

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73705 of 2019

Arising Out of PS. Case No.-973 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Mobarak Ali @ Md. Movarak aged about 27 years, (Male), Son of Mobin @ Bhola @ Md. Novin, Resident of Village - Sugapakar, P.S.- Musrigharari, District - Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rubina Khatoon age about 23 years (Female) wife of Md. Mobarak @ Md. Movarak, D/o Md. Multan,
Resident of Village - Sugapakar, P.S. Musrigharari, District - Samastipur ,
Presently resident of Village – Gopalpur Jhakhara, P.S.- Sarairanjan, District - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mrs.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing for the complainant- Opposite Party No. 2.

The petitioner apprehends his arrest in connection with Complaint Case No. 973 of 2018 (T.R. No. 3187 of 2019) ER No. 295 of 2018 in which cognizance has been taken under Section 323, 406, 498A, 504 of the Indian Penal Code, 1860 and Section 3 of the Dowry Prohibition Act by the learned Magistrate.

The allegation against the petitioner is that the complainant- Opposite Party No. 2 was married with the



petitioner on 05.05.2013. It has further been alleged that out of the said wed lock two children were born, however after some time, the petitioner started demanding a sum of Rs. 1 lakh as dowry and due to non-fulfillment of the demand of the petitioner, the petitioner tortured the complainant-Opposite Party No. 2 physically as well as mentally.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of *mala fide* complaint. However, learned counsel for the petitioner without prejudice to the rights and contention of the petitioner submits that petitioner is willing and ready to pay a sum of Rs. 5,000/- per month as living cost to the Opposite Party No. 2 -complainant subject to the final out come of any maintenance case or any matrimonial case between the parties.

On the other hand, learned counsel appearing for the complainant- Opposite Party No. 2 taking into consideration the offer made by the petitioner accepts the same without prejudice to the rights and contention of the complainant- Opposite Party No. 2 subject to the final outcome of any matrimonial case or maintenance case.

Having heard learned counsel for the parties and



taking into consideration the fact that there is marriage dispute between the parties, I am inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner will deposit a sum of Rs. 5,000/- per month regularly starting from 15th March, 2020 in the bank account of the complainant -Opposite Party No. 2. The account number of the same shall be provided by the learned counsel appearing for the complainant -Opposite Party No. 2 within a period of ten days to learned counsel appearing for the petitioner. The said amount shall be deposited in the bank account of complainant -Opposite Party No. 2 every month by 7th day of the each consecutive month from April, 2020 onward.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 973 of 2018 (T.R No. 3187 of 2019) ER No. 295 of 2018, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure, 1973.



It is made clear that if the petitioner fails to abide by the terms and conditions of this bail order, the Opposite Party No. 2 -complainant shall be at liberty to move an appropriate application for cancellation of bail before the appropriate court of law.

(Anil Kumar Sinha, J)

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