

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10312 of 2020

Arising Out of PS. Case No.-52 Year-2016 Thana- MAHILA P.S. District- Saharsa

MD. SOMAN @ MD. SHAMIM Son of Md. Ajel Resident of - Bichla Tola,
Ward No. 10, P.S. - Nauhatta, District - Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Noorjahsn Khatun Wife of Md. Soman @ Md. Shamim Daughter of Late Masrul, Resident of - Bichla Tola, Nauhatta, P.S. - Nauhatta, District - Saharsa, at present Pakhar Tola, Ward No. 10, P.S. - Nauhatta, District - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Advocate
For the informant/O.P No.2:		Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 08-03-2021 Heard Mr. Amarnath Jha, learned counsel for the petitioner, Mr. Binod Kumar Sinha, learned counsel for the informant/Opposite Party No. 2 and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State.

Petitioner apprehends arrest in connection with Saharsa Mahila P.S. Case No. 52 of 2016 registered for the offences punishable under Sections 498(A) and 323/34 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that the informant was married with the petitioner about 15 years back and after marriage, the petitioner along with other



co-accused persons started demanding Motorcycle as dowry and due to non fulfillment of the said demand, they assaulted the informant physically as well as mentally and ousted from her matrimonial home.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the present case has been filed with ulterior motive. Learned counsel further submits that the Opposite Party No. 2 is **in** habit of filing cases inasmuch as earlier also two cases were filed against the petitioner having similar allegation. Learned counsel also submits that the petitioner is ready and willing to give a sum of Rs.1,500/- per month to the informant-Opposite Party No. 2 subject to the final outcome of this case and/or all Matrimonial/Maintenance cases decided between the parties.

On the other hand, learned counsel for the informant-Opposite Party No. 2 accepts the offer made by the petitioner and submits that petitioner may be directed to deposit the aforesaid sum of Rs.1,500/- every month directly in the bank account of the Opposite Party No. 2, the number of which, shall be provided by the learned counsel for the Opposite Party No. 2 to the learned counsel for the petitioner within 10 days.

Having regard to the submissions made by the parties



and taking into consideration the nature of allegation and the offer made by the petitioner which has been accepted by the Opposite Party No. 2, I am inclined to grant anticipatory bail to the petitioner subject to the condition that a sum of Rs.1,500/- per month shall be deposited in the bank account of the Opposite Party No. 2 regularly by the petitioner starting from 1st April, 2021.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Mahila P.S. Case No. 52 of 2016, subject to the aforesaid condition and further the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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