

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11986 of 2021

Arising Out of PS. Case No.-1465 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

=====

MD. TAMANNE @ MD. TAMANE Son of Jal MOhammad @ Md. Jal Mohammad Resident of Village - Rajbada Jamunia Tola, Lal bandi, Ward No. 1, P.S. Sonbersa, District - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Badre Alam Son of Late Md. Aasik Resident of village- Kumbha Tola Islampur, P.S. Sursand, District - Sitamarhi.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Garg
For the Opposite Party/s	:	Mr.Nagendra Prasad Mr.Birendra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2022 Heard learned counsel for the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered under section 498(A)/34 of the IPC.

Petitioner, who is husband of the informant, is said to have committed torture upon the informant in association of his family members on account of non-fulfillment of demand of



dowry and thereafter ousted her out of the matrimonial house.

It is submitted by learned counsel for the petitioner that petitioner is an innocent person and has committed no offence. Petitioner has never made any dowry demand and has been falsely implicated in the present case due to grudge. He never drove out the O.P. No.2 from his house. There is general and omnibus allegation against the petitioner and he is ready and willing to keep his wife with full honour and dignity. The petitioner has relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006 (3) PLJR 182.*

In that view of the matter, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Complaint Case No. CI-1465 of 2017 (Tr. No.2796 of 2019), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.5000/- (Rupees Five



Thousand) per month to opposite party no.2 in the second week of every month for a period of one year, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that if the petitioner fails to pay the aforesaid amount on three consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancellation of the bail bond of the petitioner.

It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings.

The present order in no way preclude the parties to resolve their dispute otherwise as they may be advised.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

