

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7952 of 2020

Arising Out of PS. Case No.-209 Year-2019 Thana- SABAUR District- Bhagalpur

MD. SHAKIL @ MD. SHAKIL AHMAD Son of Md. Mazharul Haque @
Mazharul Haque Resident of Village- Bari Ibrahimpur, P.S.- Sabour, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ujma Johara W/o Md. Shakil Ahmad and D/o Yajdani Resident of Village-
Bari Ibrahimpur, P.S.- Sabour, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Subhash Kumar Jha, Adv.
For the Opposite Party/s :	Mrs.Renuka Ratnakar, APP
	Mr.Md.Najmul Hodda, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2022 Heard learned counsel for the parties through virtual
Court proceedings.

The petitioner apprehends his arrest in a case registered
under sections 498(A), 34 of the IPC and sections 3/4 of Dowry
Prohibition Act.

Petitioner, who is husband of the O.P. no.2, is said to have
committed torture upon the O.P. No.2 in association with his
family members and ultimately ousted her out of the
matrimonial house due to non-fulfillment of demand of dowry.

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. There is general and omnibus allegation against the petitioner and he is still 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 Sabour P.S. Case No.209 of 2019, corresponding to G.R. No.3073 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.

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	
---	--	---	--

