

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19344 of 2022

Arising Out of PS. Case No.-1810 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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ARSHAD @ HAFIZ MD. ARSAD RAJA @ MD. ARSAD ALAM @ HAFIZ MOHAMMAD ARSHAD RAZA @ MD. ARSHAD ALAM Son of md. Askandhar Alam @ Askandar Resident of Village - Basattpur, Police Station - Barsoi, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naseri Khatoon Wife of Arshad @ Hafiz Md. Arsad Raja @ Md. Arsad Alam @ Hafiz Mohammad Arshad Raza @Md. Arshad Alam Daughter of Late Sirajuddin, Resident of Village- Sikarpur, Police Station - Balia Belon, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Prasad Sah, Adv.
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, APP
		Mr.Mazher Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered u/s 498A of the IPC and sections 3/4 of Dowry Prohibition Act.

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.

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. 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 C.A. Case No.1810/2019, 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 first week of every month, 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 two 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)

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