

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26104 of 2022

Arising Out of PS. Case No.-566 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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1. MD. SHAHNAWAJ HUSSAIN @ MD. SHAHNAWAJ Son of Md. Sajjad Hussain Resident of Village - House No.25, Ward no.08, Deoraj Colony, Narainapur, P.s.- Ramnagar, Distt.- West Champaran.
 2. Nomaisha Praveen @ Nomaisha Khatton W/o Md. Shah Nawaj Hussain @ Md. Shah Nawaj Resident of Village - House No.25, Ward no.08, Deoraj Colony, Narainapur, P.s.- Ramnagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shabya Bano W/o Asif Nawaj, D/o Reyasat Khan Resident of Village Noniyar, Ward No. 07, P.S. Bettiah Town (Kalibag), Distt. West Champaran.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26309 of 2022

Arising Out of PS. Case No.-566 Year-2021 Thana- BETTIAH CITY District- West
Champaran

AASHIF NAWAJ @ ASIF NAWAJ Son of Md. Shah Nawaj Hussan @ Md. Shah Nawaj Resident of Village - House No.25, Ward no.08, Deoraj Colony, Narainpur, P.s.- Ramnagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shabya Bano W/o Asif Nawaj, D/o Reyasat Khan Resident of Village - Noniyar , Ward no.07, P.s.- Bettiah Town, (Kalibag), Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26104 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Umeshanand Pandit

Mr. Sachida Nand Rai

(In CRIMINAL MISCELLANEOUS No. 26309 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Meena Singh

Mr. Sachida Nand Rai

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

2 01-09-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 341, 323, 313 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioners, who are father-in-law, mother-in-law and husband of opposite party no.2, are said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioners that the petitioners are innocent persons and have committed no offence. Petitioners have neither made any dowry demand nor drover her out of her matrimonial home nor tormented her over the demand of dowry. Petitioner of Cr. Misc. No.26309 of 2022, who is the husband, is still ready to keep her with full honour and dignity. The petitioners have 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 above named petitioners, be released on bail, in the event of their arrest or surrender before the learned court below within a period of six



weeks from today, on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each 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 Bettiah Town (Kalibag) P.S. Case No.566 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner of Cr. Misc. No.26309 of 2022 is ready to pay Rs.8000/- (rupees eight thousand) per month to opposite party no.2 in the second week of every month for a period of one year. If the petitioner of Cr. Misc. No.26309 of 2022 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 his bail bond.

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

Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned court below.

If so advised, either of the parties will be at liberty to make an application before the learned court below for referring



the matter to the District Mediation Centre for the purpose of
reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J.)

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