

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27630 of 2022

Arising Out of PS. Case No.-155 Year-2020 Thana- COMPLAINT CASE District- Araria

Md. Mahfooz @ Mahfuj S/O- Abdul Gaffar R/O Village - Haldia Bokra,
Ward No.-03, P.S. - Simraha, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishati W/o- Mahfuj @ Md. Mahfooz, D/o- Md. Belal R/o- Gaiyari, Ward No.- 08, P.S. - and District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-11-2022 Heard learned counsel for the petitioner,

complainant and learned APP for the State.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under

Sections 498(A), 323 of the Indian Penal Code.

The accusations are of torture and making

assault for non-fulfillment of dowry demand and ousting

the complainant from her matrimonial house.

It is submitted by learned counsel for the

petitioner that petitioner is husband of the complainant.

There is general and omnibus allegation against the



petitioner. The petitioner always behaved good with the complainant but it is the complainant who is a quarrelsome lady and does not want to live with the petitioner. The petitioner is still ready to keep the complainant as wife with full dignity and honour.

Learned counsel appearing on behalf of the complainant has submitted that torture has been inflicted upon the complainant and in the changed circumstances, the complainant is not ready to live with the petitioner. The complainant is residing in her parents' house and she is at the verge of starvation since the petitioner is not maintaining her.

In the alternative, the petitioner is ready to make payment of Rs. 3,000/- as interim maintenance to the complainant before filing of the bail bonds.

The petitioner also undertakes to make payment of Rs. 3,000/- per month to the complainant by depositing the same in her bank account from the month of November, 2022.



The learned counsel appearing on behalf of the complainant has accepted the offer of the petitioner and undertakes to provide bank account details of the complainant to the petitioner as early as possible.

Considering the aforestated facts, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from today, 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, Araria in connection with Complaint Case No. 155(C) of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 3,000/- by the petitioner in the account of the complainant.

The aforesaid payments will be subject to any



order passed in matrimonial or maintenance proceedings.

(Sunil Kumar Panwar, J)

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