

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39986 of 2021**

Arising Out of PS. Case No.-162 Year-2020 Thana- SHAMBHUGANJ District- Banka

MD. MUMTAZ SHEIKH Son of Jasim Sheikh Resident of Village- Ka,ardih,
P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 11-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Shambhuganj P.S. Case no. 162 of 2020 registered for the offence punishable under sections 341, 379, 504, 498A/34 of the Indian Penal Code read with section 3/ 4 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that petitioner is in custody since 26.3.2021, is person with clean antecedent and charge sheet has been submitted and the informant alleges that she was married with the petitioner in the



year 2019 and had a child from the wedlock and was ousted from her matrimonial home for not fulfilling the demand of motorcycle and Rs 2 lakh. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is willing to keep the informant with all dignity and honour.

Learned counsel for the informant submits that though petitioner submits that he is willing to keep the informant with all dignity and honour but in reality petitioner is not willing to keep her or else would not have ousted her from her matrimonial home.

Learned counsel for the petitioner rebutting the submissions of learned counsel for the informant submits that petitioner is willing to keep the informant with all honour and dignity but if the informant is not willing to stay with the petitioner then on instruction he is permitted to make submission that he is willing to pay monthly maintenance of Rs 3,000/- to the informant and the child till the matter is amicably settled either through intervention of well wisher or process of the court, on this learned counsel for the informant submits that the informant will supply to the petitioner her bank account number in which petitioner be directed to deposit the monthly



maintenance.

Considering the facts that petitioner is willing to keep the informant with all dignity and honour and in the event she is not willing to stay with the petitioner as aforesaid till the issue is not amicably settled the petitioner will pay monthly maintenance of Rs 3,000/-, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Shambhuganj P.S. Case no. 162 of 2020.

Monthly maintenance will commence from 01.02.2022 and in the event the informant files an application that the petitioner for two consecutive months has not paid maintenance in her bank account, learned court below shall forthwith cancel his bail bond.

(Satyavrat Verma, J)

s.hassan/-

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