

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33546 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- MAHILA P.S. District- Saran

Md. Asfaque Son Of Mukhatar Ahmad Resident Of Village- Umarganj, P.S.-
Balua, District- Balua (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alisha Ali Daughter Of Ahmad Ali Resident Of Mohalla- Karimchak, P.S.-
Chapra Town, District- Saran At Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.
For the Opposite Party/s : Mr. Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-09-2022 Heard Mr. Radha Mohan Singh, learned counsel for

the petitioner and learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Saran (Chapra) Mahila P. S. Case No. 87
of 2021 registered for the offences punishable under Section 498
(A) of the Indian Penal Code and Section 3 & 4 of the Dowry
Prohibition Act.

As per the prosecution case, it is alleged that the
marriage of the informant was solemnized with the petitioner on
28.06.2020 and therefore, the informant was subjected to



demand of dowry and torture. She also made allegation of assault and stated that on 25.07.2021 all the accused persons after snatching her cloths and jewellery ousted her from her matrimonial home.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect is also evident from the fact that the petitioner has filed a case for restitution of conjugal rights under Section 281 of Mohammedan Law before Principal Judge, Family Court, Baliya vide case no. 420 of 2021. It is next submitted that the petitioner, having fair antecedent, is in custody since 18.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the learned counsel for the petitioner and taking into consideration the stand of the petitioner coupled with the period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in



connection with Saran (Chapra) Mahila P. S. Case No. 87 of 2021, with a further direction; Let the learned court below issue notice to the informant and on her appearance, the court will take all endeavour to reconcile the matter after proper mediation and thereafter, the petitioner will take the informant to keep her as wife with full dignity and honour. It is also expected that the court will keep watch over the conduct of both the parties at least for six months and will pass appropriate order, if need arises.

(Harish Kumar, J)

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