

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38350 of 2022**

Arising Out of PS. Case No.-393 Year-2021 Thana- CIVIL LINE District- Gaya

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MOSHAIB AHMAD SON OF MATLOOB ALAM R/O- MILLAT COLONY,
BARI ROAD, P.S.- CIVIL LINES, DISTT.- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAJIFA PRAVIN WIFE OF MOSHAIB AHMAD R/O- MILLAT COLONY, BARI ROAD, P.S.- CIVIL LINES, DISTT.- GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Gaya Civil Lines P.S. Case No. 393 of 2021 instituted for the offence under Sections 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per allegation in the FIR, due to non-fulfillment of dowry demand of Rs. one lakh and a four wheeler, petitioner along with other family members started to torture the informant mentally and physically.

It is submitted by learned counsel for the petitioner



that petitioner is husband of the informant and he has been falsely implicated in this case. It appears from the impugned order that informant is not ready to live with the petitioner.

Learned counsel for the informant prays for some maintenance for survival of the informant as she is a housewife and she is not able to maintain herself .

In the alternative, learned counsel appearing on behalf of the petitioner, on instructions, submits that petitioner is ready to give Rupee three thousand per month from this month, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the petitioner within a period of one week from today. On receipt of the bank account number of the informant, the petitioner shall deposit Rs. 3,000/- (Three Thousand) in every month commencing from December, 2022 as maintenance in the account furnished by the informant.

Having heard learned counsel for the parties and considering the submissions made on behalf of the petitioner, this Court is inclined to enlarge him on bail. The petitioner, above named, in the event of his arrest or surrender before



learned Court below within a period of four weeks from today, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya in connection with Gaya Civil Lines P.S. Case No. 393 of 2021, 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/- (for the month of December, 2022) by the petitioner in the account of the informant.

The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

(Sunil Kumar Panwar, J)

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