

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39773 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- MAHILA P.S. District- Rohtas

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MIRJA SAKIB HUSSAIN @ MIRJA SAKIB Son of Mirza Noor Alam
Resident of Village - Purnea City, P.S.- Naka Chowk, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in a case registered
under sections 341, 323, 504, 506, 498(A)/34 of the IPC and
sections 3/4 of Dowry Prohibition Act.

Petitioner, who is husband of the informant, is said to
have committed tortured and assaulted the informant in
association of his family members on account of non-fulfillment
of demand of dowry. They ousted the informant along with her
son from her house.

It is submitted by learned counsel for the petitioner that
petitioner is an innocent person and has committed no offence.
Petitioner has never made any dowry demand and has been



falsely implicated in the present case due to grudge. There is general and omnibus allegation against the petitioner and he is ready and willing to keep his wife with full honour and dignity. The petitioner has 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 petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) 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 Rohtas Mahila P.S. Case No. 13 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.6,000/- (Rupees Six Thousand) per month to opposite party no.2 in the first week of every month, for her maintenance, as per the bank account details furnished by her in the learned Court below.

It is made clear that if the petitioner 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 the bail bond of the petitioner.

Learned court below is directed to issue notice to O.P.
No.2 directing her to furnish the bank account details.

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

If so advised, either of the parties will be at liberty to
make an application before the Court below for referring the
matter to the District Mediation Centre for the purpose of
reconciliation or one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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