

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41897 of 2022

Arising Out of PS. Case No.-346 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Sajjad Alam @ Md. Sahjad Alam S/O Late Md. Sahadat Resident Of
Village- Balha, P.S.- Bisf, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAUSEEN SABA @ FALKA NAAZ W/O MD. SAJJAD ALAM @ MD. SAHJAD ALAM Resident of Village- Balha, P.S.- Bisf, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 346 of 2020 instituted for the offence
under Sections 323, 498(A), 504, 34 of the Indian Penal Code.

The allegation against the petitioner is that due to
non-fulfillment of dowry demand of Rs. Three lakh, petitioner
started to assault the complainant mentally and ousted from the
house.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. Petitioner is the husband of the complainant and has falsely been implicated in this case.

Learned Counsel for the complainant prayed for some maintenance for survival of the complainant as she is a housewife and she is not able to maintain herself.

In 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 complainant to the petitioner.

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

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender



in connection with Complaint Case No. 346 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-I, Benipatti, (Madhubani) 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) by the petitioner in the account of the complainant.

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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