

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45543 of 2022**

Arising Out of PS. Case No.-1283 Year-2021 Thana- COMPLAINT CASE District- Araria

HAFIZ MOHAMMAD ASHAL AKHTAR @ MD. ASHAL AKHTER @  
HAFIZ MD. ASHAL AKHTAR Son of Late Afzal Husain @ Sohel Akhter @  
Sohal Akhter Resident of village- Madhopara Idgah Tola, P.S- Araria  
(Bairgachhi O.P) Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Neha Naz W/o Hafiz Mohammad Ashal Akhtar @ Hafiz Md. Ashal Akhter @ Md. Ashal Akhter, D/o Md. Shadhid R/v- Madhopara Idgah Tola, Post-Rampur Mohanpur, P.S and Dist- Araria, at present resident of village Kharaiya Basti, Ward no. 11, P.S and Dist Araria

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gopal Kumar Jha  
For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      01-12-2022                      Heard the parties.

The petitioner apprehends his arrest in a case registered under sections 498(A) and 34 of the Indian Penal Code and 4 of D.P. Act.

The allegation against the petitioner is of torturing the informant in association of his family members on account of non-fulfillment of demand of dowry and of ousting her out of the matrimonial house.

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



been falsely implicated in the present case mostly on suspicion and grudge. There is general and omnibus allegation against the petitioner. 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 view of the matter, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond 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 Complaint Case No. 1283C of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Petitioner is ready to pay Rs.10,000/- (Rupees Ten 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.

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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