

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40618 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- MAHILA P.S. District- Bhagalpur

MD. SARFARAZ ALAM S/o Md. Amiruddin R/o village- Badre Alampur,
Naya Tola, Kabirpur, P.S.- Habibpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pallavi Pandey, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 16-05-2022 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 379 and 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The accusation is of making assault for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner tried his best to resume the conjugal life with the informant but the informant herself does not want to live with the petitioner. The petitioner is still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition.



Learned counsel appearing on behalf of the informant has submitted that petitioner is in habit of making assault with the informant. Hence, out of fear of life, she does not want to live with the petitioner.

In the alternative, the petitioner is ready to make payment of Rs. 5000/- per month as interim maintenance to the informant by depositing the same in her bank account by 1st week of every month.

The petitioner undertakes that he shall pay the monthly payment of Rs. 5000/- of this month i.e. May, 2022 to the informant before filing of the bail bonds and from June, 2022, he shall continue making payment of Rs. 5000/- per month by 1st week of every month in the bank account of the informant.

The learned counsel appearing on behalf of the informant has accepted the offer of the petitioner and undertakes to provide bank account details of the informant to the petitioner as early as possible.

Considering the aforesaid facts, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 08 of 2020, 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. 5000/- by the petitioner in the account of the informant.

The aforesaid payments will be subject to any order passed in matrimonial or maintenance proceedings.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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