

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56101 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- POTHIIYA District- Kishanganj

AYUB @ MD AYUB @ AAIYUB ALI Son of Ful Mohammad Residento of
Village - Jalalpur, P.s.- Pothia, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Halima Khatoon W/o Ayub @ Md. Ayub, D/o Hasrat Ali Residento of
Village - Pochabasti, P.s.- Pothia, Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raj Kumar
For the Opposite Party/s :	Ms. Indu Kumari Srivastava Mr. Sharda Nand Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 29-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 498(A), 506, 504 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no.2, is said to have ousted the opposite party no.2 from her matrimonial home in association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor



drover her out of her matrimonial home nor tormented her over the demand of dowry. He is still ready to keep her 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 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 connection with Pothia P.S. Case No.125 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is ready to pay Rs.6000/- (rupees six thousand) per month to opposite party no.2 in the second week of every month for a period of one year. 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 bail bond of the petitioner.

It goes without saying that the aforesaid payment shall



be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned court below.

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

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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