

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50858 of 2022

Arising Out of PS. Case No.-2373 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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MD. SHAMIM @ SHAMIM KHAN @ MD. SHAMIM KHAN S/o- Late
Md. Haneef @ Md. Haneef Khan R/o Mohalla - 482/7 Ka, Bhandu Tola,
Iradat Nagar, Daliganj, P.S. - Hasanganj, Dist.- Lucknow, State - Uttar
Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakira Khanam W/o Md. Idrish R/o vill- ASadulapur Pokhrai @ Patilli,
P.S.- Rajapakar, Dist.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2022 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 498(A) of the IPC and sections 4 of Dowry
Prohibition Act.

Petitioner is said to have committed torture upon the
informant's daughter in association of his family members on
account of non-fulfillment of demand of dowry. They also
ousted her from her matrimonial 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 Complaint Case No. 2373 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.4,000/- (Rupees Four 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/informant 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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