

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59514 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- MAHILA P.S. District- Araria

Sakib Ansari @ Sakib Husain S/o Hasibur Rahman @ Hasiv Ansari Resident of Village- Kharahiya Basti Ward No.11, P.S. and District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tahfa W/o Sakib Ansari @ Sakib Husain, D/o Salim Resident of Village- Saidanpur, Ward No.12, P.S.- Bausi, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Ms. Rita Verma, APP
For O.P. No.2	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-05-2022 Heard both sides.

The petitioner apprehends his arrest in connection with Araria (Mahila) P.S. Case No.90 of 2021, registered for the offences punishable under Sections 498(A), 341, 323, 504, 494, 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 innocent person and has committed no



offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. It is fairly submitted that the petitioner has solemnized marriage with another lady, but 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**.

Learned counsel appearing on behalf of O.P. No.2 opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has solemnized marriage with another lady and it is not possible for her to reside with the petitioner.

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 learned court below where the case is pending/successor court in connection with Araria (Mahila) P.S. Case No.90 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

Petitioner is ready to pay Rs.5,000/- (rupees five



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 cancelling the 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 one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J.)

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