

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61965 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. SHEIKH IJHARUL HAQUE @ IJHARUL HAQUE S/O SHEIKH ALI R/o village- Murli Padrariya, P.S.- Shikarpur, District- West Champaran
 2. Raushane Ara W/o Sheikh Ijharul Haque @ Ijharul Haque R/o village- Murli Padrariya, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon D/o Jahir Khan R/o village- Haruhani, P.S.- Dhaka, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For the O.P. No.2	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2022 Heard learned counsel for the petitioners, learned counsel for the Opposite Party No.2 and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 498(A) 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 petitioners that the petitioner no.1 tried his best to resume the conjugal life



with the complainant but the complainant herself does not want to live with the petitioner no.1. The petitioner no.1 is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition. Petitioner no.2 is the first wife of petitioner no.1.

Learned counsel appearing on behalf of the complainant has submitted that petitioner no.1 is in habit of making assault with the complainant. Hence, with the fear of life, she does not want to live with the petitioners. Moreover, complainant is the second wife of petitioner no.1.

In the alternative, petitioner no.1 is ready to make payment of Rs.5,000/- per month to the complainant by depositing the same in her bank account by the 1st week of every month as her maintenance.

Further, petitioner no.1 undertakes that he will pay Rs. 5,000/- per month to the complainant w.e.f. this month i.e. August, 2022 and he shall deposit the amount in her bank account by the 1st week of every month.

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



Considering the aforestated facts, let the petitioners, above named in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Sikarahana at Dhaka, East Champaran in connection with Trial No.1900 of 2021 arising out of Complaint Case No.143 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on showing receipt of deposit of Rs. 5000/- by the petitioners in the account of the complainant.

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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