

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56971 of 2022

Arising Out of PS. Case No.-104 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

MD NAUSHAD ALAM Son of Abdul Rashid @ Roj Mohammad Resident of
Village- Guabari, P.S.- Kunwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered under sections 147, 149, 323, 324, 354, 504, 506 and 498A of the IPC and sections 3/4 of Dowry Prohibition Act.

Petitioner, who is husband of the informant, is said to have committed torture upon the informant in association of his family members on account of non-fulfillment of demand of dowry. They also gave knife flow to his brother on his neck, chest and back.

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 Kundwa Chainpur P.S. Case No.104 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.5,000/- (Rupees Five 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 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. If informant fails to
furnish her bank account detail, the aforesaid amount will be
deposited before the learned Court below which will be released
in favour of the complainant/informant after
informant/complainant furnish bank account detail.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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