

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69982 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- MAHILA P.S. District- Madhubani

SHAHAJAD ANSARI Son of Shultan Ansari Resident of Village- Vodli (Bhaduli), P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jalekha Khatoon Daughter of Md. Nathuni Ansari, Wife of Shahajad Ansari Resident of Village- Vodli (Bhaduli), P.S.- Arer, District- Madhubani. At present residing of Village- Sothgaon, P.S.- Harlakhi, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimal Kumar, Adv.
For the Opposite Party/s	:	Mr.Md. Aslam Ansari, APP.
		Mr. Sanjay Kumar, Adv.
		Mr. Bhavesh Kumar Sah, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-11-2022 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 341, 323, 498(A)/34 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.

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. It is submitted that family members of the informant married the O.P. No.2 with this petitioner forcibly and the petitioner is younger than the O.P. No.2. Under the law, the marriage of O.P. No.2 is not legal.

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 Mahila P.S. Case No.53 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is ready to pay Rs.2,000/- (Rupees Two 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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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