

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6253 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- MAHILA P.S. District- Madhubani

Md. Saffiullah @ Md. Safiullah, S/o Md. Noornain @ Md. Noornain Sheikh
@ Md. Nurain, R/v- Mahmaddi, P.S.- Patahi, District- East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Raunak Afroz, D/o Md. Ummair, R/v- Suratganj, P.S.- Madhubani Town,
District- Madhubani

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Madhurendra Kumar, Advocate
For the Opposite Party	:	Mr. Anil Kumar Singh No.1, APP
For the Informant	:	Md. Soban Asghar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The accused/petitioner seeks bail in connection
with Madhubani (Mahila) P.S. Case No.30 of 2022 registered
for the offences punishable under Sections 341, 342, 323, 324,
376, 498-A, 504 and 506 of the Indian Penal Code.

The accused/petitioner named in the FIR and is in
custody since 23.09.2022.

Allegation against the petitioner is to commit
cruelty and also to commit rape upon informant/victim, who is



admittedly legally wedded wife of petitioner. Allegation is also of making an attempt to force the informant to enter into prostitution.

It is submitted by learned counsel for the petitioner that the implication is only out of matrimonial discord. It is submitted that the statement of victim was recorded under Section 164 of the CrPC where she did not raise any allegation as to commit rape upon her or to force her to enter into prostitution rather she categorically limited her allegation regarding demand of dowry and cruelty out of matrimonial discord. It is submitted by learned counsel that as a good gesture being husband, petitioner is ready to pay Rs.3,000/- per month to his wife and children from month of September, 2023. It is submitted that even during the course of investigation, the police did not find allegation of rape true and as such charge-sheet has been submitted under Sections 341, 342, 323, 498-A, 504 and 506 of the Indian Penal Code only against the petitioner.

Learned APP duly assisted by Md. Soban Asghar, learned counsel for the informant while opposing the prayer for bail submitted that an ad-interim maintenance at least be given to informant, who is legally wedded wife of this petitioner to



save her from destitution.

In view of above-mentioned facts and circumstances as informant is admittedly legally wedded wife of this petitioner where allegation of rape is appearing *prima facie* to aggravate the allegation and non-convincing particularly also by taking note of her statement recorded under Section 164 of the CrPC where she did not even raise any allegation as to commit rape upon her by this petitioner, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 23.09.2022 and ready to pay an *ad-interim* maintenance of Rs.3,000/- per month to the informant starting from the month of September, 2023, accordingly, the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Madhubani in connection with Madhubani (Mahila) P.S. Case No.30 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC and with further condition that petitioner to pay an *ad-interim* maintenance of Rs.3,000/- on monthly basis to the informant positively by 7th day of every English calendar, starting from the month of September, 2023 either in cash, duly acknowledged by



informant or through her bank account.

(Chandra Shekhar Jha, J.)

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