

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27745 of 2022

Arising Out of PS. Case No.-587 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

MD. SHAMIM PARMARI @ MD. SHAMIM PAMARIYA S/o Islam Pamari
@ Islam Pamariya R/o village- Godhanpur, P.S.- Jhanjharpur, District-
Madhubani Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mahmudi Khatoon W/o Shamim Pamariya, D/o Anwar Pamari R/o village-
Bundelkhand, P.S.- Basopatti, District- Madhubani
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-02-2023 Heard learned counsel for the petitioner and the
State.

In this case notices were issued to the opposite party
no. 2 and as per the report, it was received by the father of the
opposite party no. 2.

The petitioner apprehends his arrest in connection
with C.R. No. 587 of 2021 for the offence registered under
Sections 323, 341, 498(A) and 504/34 of the Indian Penal Code.

As per the prosecution story, the marriage took place
on 29.05.2021 but for want of dowry, he was always tortured
and on the fateful day, she was thrown out of the house.
Accordingly, the FIR has been lodged.

Learned counsel for the petitioner submits that



actually the complainant is residing with another person namely, Satrugan Sahni for which a case bearing C.R. No. 292 of 2021 has already been filed by the petitioner and the same is at present pending before the learned A.C.J.M.- 1st Jhanjharpur. It is further submitted that till the order passed either on restitution of conjugal rights or dissolution of marriage by the concerned Court, the petitioner would like to pay Rs. 6,000/- per month as financial relief to the lady till any order passed by the Court in maintenance case through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking her credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail and submits that the allegation is there against the petitioner.

Considering the aforesaid circumstances as also the petition that has been filed by the petitioner as stated above, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 6,000/- as stated above.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhubani in connection with C.R. No. 587 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha-

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