

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33461 of 2023

Arising Out of PS. Case No.-604 Year-2022 Thana- BIHAR District- Nalanda

MD. SHAH NAWAJ KHAN @ MD. SAHANWAZ KHAN SON OF LATE
KHATIB KHAN R/O-HAIDARGANJ (KARAH), P.S.-SILAO, DISTT.-
NALANDA

... .. Petitioner/s

Versus

1. The State of Bihar
2. GAZALA NIZAM @ GAZALA NIZAMI WIFE OF SHAH NAWAJ KHAN
@ MD. SAHANWAZ KHAN R/O-BERADARI, P.S.-BIHAR, P.O.-
BIHARSHARIF, DISTT.-NALANDA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dr. Satyendra Kumar Srivastava
For the Opposite Party/s :	Mr. Mritunjay Kumar Nirala
	Mr. Onkar Nath

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned APP for the State.

The petitioner apprehends his arrest in a case registered for
the offences punishable under Section 498A, 341, 323, 504/34 of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

Petitioner, who is husband of opposite party no2., is said to
have ousted the opposite party no.2 from her matrimonial home in
association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that the
petitioner is an innocent person and has committed no offence.
Petitioner has neither made any dowry demand nor drove her out



of her matrimonial home nor tormented her over the demand of dowry. He is still ready to keep her 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 above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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 Bihar P.S. Case No.604 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or for one time settlement.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

