

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34627 of 2023

Arising Out of PS. Case No.-1716 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

MD. ISHTIYAK S/O MD. MUSTAK R/O Village- Baro Nayatola Dargah
Mohalla, Ward No. 01, P.S- Phulwariya, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mausham Khatun W/O Md. Ishtiyak, D/O Rushtam Mahrum R/O Village-
Phulwariya, Ward No. 11, P.S- Phulwariya, Distt.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Kumar, Adv.
For the Opposite Party/s : Mr.Rajendra Singh, APP
Mr.Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 323, 498A, 504, 506, 406, 34 of
the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

3. Petitioner, who is husband of complainant, is said to have
tortured the complainant and ousted her from the matrimonial
home in association of his family members over dowry demand.

4. 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*.

5. 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 Begusarai Complaint Case No.1716c of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs.3000.00 (Rupees Three Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance



case or any other collateral proceedings.

8. Learned counsel for the O.P. No.2 is directed to furnish the bank account details of the O.P. No.2 before the learned Court below. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details.

9. 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 one time settlement.

10. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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