

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35319 of 2023**

Arising Out of PS. Case No.-100 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. SHAHNAWAZ ALAM @ SHAHNAWAJ ALAM @ MD. SAHNAWAZ ALAM SON OF LATE MD. AHSANUL MUZAFFAR @ LATE AHSANUL MUZAFFAR R/O Village-Taiyabpur (Baigachi), P.S.-Kadwa, Dist.-Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RUBI KHATOON W/O MD SHAHNAWAZ ALAM @ SHAHNAWAJ ALAM @ MD. SAHNAWAZ ALAM, D/O MD JALIL Presently resides at Village and P.O.- Parbheli, P.S.-Kadwa, Dist.-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Qumrul Hoda
For the Opposite Party/s :	Mr. Satya Nand Shukla
	Mr. Md. Musowir

**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 and 384 of the I.P.C 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 Complain Case No.100 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)

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