

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34989 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Shekh Sarfaraz Ahmad @ Shaikh Sarfraz Ahmad @ Shek Sarfaraj Ahmad @
Shekh Sarfarj Ahmad @ Sarfraz son of Anisur Rahman @ Anisur Rahman
Shekh Village- Bajpatti Tola Aabidpur Halim Tola Ps- Bajpatti Dist-
Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Madina Khatoon @ Nurul wife of Shekh Sarfaraz Ahmad @ Shaikh Sarfraz
@ Sarfaraj Ahmad @ Shekh Sarfarj Ahmad @ Sarfraz, D/o- Late Md. Soiab
at present Add- Gauda Ps- Nanpur Dist- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shankar Kumar
For the Opposite Party/s :	Mr. Rajendra Singh
	Mr. Ravindra Nath Dubey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-10-2023 Heard learned counsel for the for the petitioner, learned
counsel for the complainant and learned APP for the State.

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

3. Petitioner, who is husband of complainant, is said to
have ousted her from the matrimonial home in association of his
family members over the 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. 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 Complaint Case No.C-1/155 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.5000.00 (Rupees Five Thousand) per month to the informant/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 complainant is directed to furnish the bank account details of the complainant in 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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