

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35819 of 2023

Arising Out of PS. Case No.-934 Year-2021 Thana- PURNIA COMPLAINT CASE District-
Purnia

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MD. AZAD SHAH @ MD. AZAD son of Nazam Shah @ Mohd. Nizam Sah
Village- Harrahi (Pipra) Ps- Sigheshwar Sthan Dist- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rahana Khatoon @ Riyana Khatoon wife of Md. Azad Shah @ Md. Azad,
D/o- Ibrahim Sah village- Sosa, Po- goasi Ps- K.Nagar (Maranga) Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-07-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 323, 406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of opposite party no.2, is said to have ousted the opposite party no.2 from her 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 Application No.934 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

6. Petitioner is ready to pay Rs.3000/- (rupees three thousand) per month to opposite party no.2 in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned court below for cancellation of 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 court below is directed to issue notice to informant/complainant for furnishing her bank account details. 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 informant/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 Centre for the purpose of reconciliation or for one time settlement.

10. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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