

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36561 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

Asfaq @ Asfak Son Of Hakim Uddin R/O- Vill- Hathbandha, P.S.- Baisi,
Dist.- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon Daughter Of Aniruddin R/O- Vill- Hatgaon, P.S.-TEHRA
Gachh, Dist.- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-01-2023 Heard learned counsel for the parties.

Learned counsel for the petitioner undertakes to
remove the defects, if any, within three weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498A of
the Indian Penal Code.

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**.

However, the petitioner is ready to give Rs. 3,000.00 (Rupees Three Thousand) per month as maintenance to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. If the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, his bail bond shall automatically be cancelled.

Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned court below.

In that view of the matter, let the above named petitioner, be released on anticipatory 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. 42 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 one time settlement.

(Anjani Kumar Sharan, J)

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