

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37470 of 2023

Arising Out of PS. Case No.-137 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Sadik Son Of Md. Muslim Resident Of Village - Hanuman Nagar, P.O. -
Durgapatti, P.S. - Madhubani, District - Madhubani

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rubina Khatoon Wife Of Md. Sadik Resident Of Village - Hanuman Nagar,
P.O. - Durgapatti, P.S. - Madhubani, District - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Complainant : Mr. Md. Shahnawaz Ali, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-10-2023 Heard Mr. Shailendra Kumar Jha, learned counsel

for the petitioner, Mr. Md. Shahnawaz Ali, learned counsel

appearing on behalf of the Complainant and Mrs. Pushpa Sinha,

learned APP for the State.

2. The petitioner is apprehending his arrest
connection with C.R. Case No. 137 of 2020, dated 15.06.2020
registered for the offences punishable under Sections 147, 323,
341, 498A, 504, 506, 379/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is of demand of
dowry and torture mentally and physically for non-fulfillment of
demand of dowry.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has never demanded any dowry from the family members of the complainant and he has never tortured to the complainant and as per allegation in the complaint petition, the petitioner has performed the second marriage.

5. Vide order dated 28.07.2023, the present matter was referred to the Mediation & Conciliation Centre, Patna High Court for settlement of dispute between the parties. Report of the learned Mediator dated 11.10.2023 reveals that both the parties are not ready to settle the dispute and in view of the aforesaid, the mediation failed.

6. Learned counsel for the petitioner outrightly submits that he is ready to pay Rs. 7,000/- per month to the complainant for her interim maintenance till the disposal of the maintenance case, if filed by the complainant.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of



thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Benipatti, Madhubani in connection with C.R. Case No. 137 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) The petitioner is directed to produce the demand draft of Rs. 7,000/- per month in favour of the complainant for her interim maintenance at the time of furnishing bail bond and the learned court below is directed to hand over the demand draft to the complainant or his representative. If the petitioner fails to produce Rs. 7,000/- per month to the complainant, the complainant shall be at liberty to move for cancellation of bail bond before the competent court.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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