

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40333 of 2023

Arising Out of PS. Case No.-1482 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Hashim Miyan Son Of Majid Miyan Resident Of Village - Piprakothi Bajar,
P.S. - Piprakothi, Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Khatoon Wife of Hashim Miya, D/o Meraj Miya Resident of village -
Jaisinghpur, P.s. - Turkawaliya, Distt. - East Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

=====

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 Section 498A of the Indian Penal Code.

3. 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.

4. Learned counsel for the petitioner submits 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 submits that the entire prosecution is based on suspicion and surmises and there is no any legal evidence or cogent material available on record to connect the petitioner with the alleged offence in question. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

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. 1482 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs. 3,000/- (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 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. 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.

9. Learned court below is directed to issue notice to the informant for furnishing her bank account details. If she fails to furnish her bank account details the aforesaid amount will be deposited before the learned court below which will be released in favour of the informant after the informant furnishes her bank account details.

10. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

