

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40606 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- BISFI (PATAUNA) District- Madhubani

MD. MUMTAZ Son of Late Md. Nazir Resident of village - Raiyam, P.s. -
Raiyam, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakhta Praveen Wife of Md. Mumtaz, D/o Md. Abdus Samad Resident of
village - Parsauni, P.s. - Bisfi (Putana), Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Satyendra Narayan 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 Sections 323, 341, 379, 384, 498A and 504/34 of the Indian Penal Code and $\frac{3}{4}$ of the D.P. 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. 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**.

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 Bisfi (Putana) P.S. Case No. 76 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. 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/-

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