

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47261 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- HUSSAINGANJ District- Siwan

Mohammad Tanbir @ Md. Tanbir @ Md. Tanveer, S/O Late Md. Hanif, R/O
Village- Khodai Bari, P.S Hussainganj, District Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. Reshma Khatoon, W/o Mohammad Tanvir @ Md. Tanbir @ Md. Tanveer,
Resident of Village- Khodai Bari, P.S Hussainganj, District- Siwan
... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Javed Aslam, Advocate
For the State	:	Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-10-2023 Heard learned counsel for the petitioner. No one appears for the informant-opposite party no. 2. Learned APP for the State is present.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Hussainganj P.S. Case No. 324 of 2022 registered for the offences punishable under Sections 341, 323, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. He has no criminal antecedent.

3. As per the prosecution story, the marriage of the informant was solemnized with the informant on 21.09.2019 according to Muslim rites and rituals. At the time of marriage, the FIR named accused persons were adamant on the demand of Rs.5,00,000/- cash and a Swift Desire Car but on hectic



persuasion by the relatives and well-wishers, the informant was sent to her matrimonial house with the petitioner. After few days of marriage, the accused persons again started demanding Rs.5,00,000/- and a Swift Desire Car and due to non-fulfillment of the said demand, they started torturing her. The informant alleges that she has a daughter also out of the said wedlock. On 15.05.2022, the accused persons ousted the informant with her daughter from her matrimonial house.

4. Learned counsel for the petitioner submits that earlier on the direction of this Court, an effort was made to amicably resolve the matter but the mediation failed. It is submitted that the allegations against the petitioner are general, vague and concocted. The informant was a divorcee lady which fact she has concealed from the petitioner at the time of *nikah* and that led to the quarrel between the petitioner and the informant. In paragraph '8' of the application, it is further submitted that the petitioner is ready to maintain the informant.

5. Learned counsel for the petitioner on his own, offers to pay Rs.3,000/- per month to the opposite party no. 2 subject to an appropriate order which may be passed in a duly constituted maintenance case.

6. No one appears on behalf of the opposite party no.



2 to oppose this application.

7. Having regard to the facts and circumstances of the case and the kind of dispute between the parties as also the offer which has been made on behalf of the petitioner, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Hussainganj P.S. Case No. 324 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that in terms of his own statement, the petitioner shall pay a sum of Rs.3,000/- per month within first seven days of every month in the account of the informant which would be subject to result of an appropriate order which may be passed by a competent court in a duly constituted maintenance case. Failure to abide by this condition may be brought to the notice of the learned court below by the informant for taking appropriate action including cancellation of bail bond of the petitioner.

9. 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.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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