

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42607 of 2023

Arising Out of PS. Case No.-947 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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MD. MANSUR ALAM S/o- MD. SHABBIR ALAM Village- Ghod Daur Ps-
Salkhua Banma Itahari OP Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAFAT MUKHTAR D/o- Late Mukhtar Alam Village- Fensaha Ps- Salkhua
Banma Itahari OP Dist- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.

Mr. Dinesh Maharaj, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP.

Mr. Diwakar Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-10-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of informant/complainant, is said to have tortured upon her and ousted her from the 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. Learned counsel for the petitioner fairly submits that there was compromise between the parties and according to the compromise petition, which has been filed before the learned Principal Judge, Family Court, Saharsa, petitioner was ready to give Rs. 10,000/- (Rupees Ten Thousand) per month to the complainant, but he did not comply the order of learned Family Court as he is unable to pay the maintenance to the complainant as she is not willing to compromise the matter with her husband.

5. Petitioner is ready to pay Rs. 5,000.00 (Rupees Five Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.



6. 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 Saharsa Complaint Case No. 947C of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

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. Learned counsel for the complainant is directed to furnish the complainant's bank account details. If he fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after he furnishes the complainant's bank account details.

9. 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.



10. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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