

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51962 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- MUNGER COMPLAINT CASE District-
Munger

MD SARFARAZ KHAN S/O MD BARIQUE KHA R/O H.N AG5 Road No-
Apolo-1 Play Ground Near Adds Colony K.S.T.P. South Dhadka Asansol, P.S-
Asansol North, Distt.- West barddhwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Farhin Pravin D/O Hussain Khan, W/O Sarfaraz Khan R/O ITC Colony
Shankarpur, Quarter No.- 67, Post Shankarpur, P.S- Muffasil, Distt.-
Munger-811201.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Kumar Gupta

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-12-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 53C of 2022 dated 21.02.2022 registered for the offence punishable under Sections 498A, 323, 504, 506, 307, 379 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case the marriage of the complainant was solemnized with the petitioner on 11.11.2014 according to Muslim customs and out of the wedlock one daughter was born who is a paralytic child. It is alleged that the husband (i.e. petitioner), Dever and the in-laws of the com-



plainant demanded Rs. 10 Lakh for purchasing a car and due to non fulfillment of the demand subjected her to cruelty. It is further alleged that the petitioner did not keep his wife along with him at his place of posting and now the complainant is residing at her parent's house at Munger.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He next submits that the complainant voluntarily left her matrimonial home. He next submits the allegation of demand of dowry is totally false as the marriage was solemnized within the family. The petitioner is ready to keep his wife i.e. complainant / Opposite Party No. 2 with full honour and dignity. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 5000/- per month to the Opposite Party No. 2 as "living cost" subject to final outcome of the matrimonial case / maintenance case if any decided between the parties.

5. Learned counsel for the complainant -Opposite Party No. 2 accepts the offer so made by learned counsel for the petitioner and submits that the petitioner may be directed to



deposit the said amount of Rs. 5000/- per month in the bank account of the complainant / Opposite Party No. 2 details of which shall be furnished by learned counsel for the Opposite Party No. 2 to learned counsel for the petitioner within ten days from today.

6. After having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned counsel for the petitioner has been accepted by learned counsel for the Opposite Party No. 2, as such, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his arrest / surrender before the learned court below within a period of six weeks from today be released on anticipatory bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Munger / concerned court in connection with Complaint Case No. 53C of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following condition:-

(i) that the petitioner shall deposit a sum of Rs. 5000/- per month in the bank account of Opposite Party No. 2 positively by the 7th day of



every month starting from the month of January,
2024.

(Anil Kumar Sinha, J)

praful/-

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