

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48547 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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NAUSHAD ALAM S/o Kamruddin Ansari R/V-Amarasipur, P.S.-Sahabganj,
Dist-Chandauli (U.P)

... .. Petitioner/s

Versus

1. The State of Bihar
2. AMBRI KHATOON W/o Naushad Alam, D/o Sardar Ansari R/V-Leadery,
P.O-Chhotka Amaon, P.S.-Chand, Dist-Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha
For the Opposite Party/s	:	Mr. Akhileshwar Dayal
	:	Mr. Parwej Khan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023

Heard the parties.

2. The petitioner apprehends his arrest in a case registered under sections 498 (A) and 406/34 of the Indian Penal Code but the cognizance has been taken under Section 498 (A) of the Indian Penal Code and 3/4 of D.P. Act.

3. The allegation against the petitioner is of torturing the informant in association of his family members on account of non-fulfillment of demand of dowry and of ousting her out of the matrimonial house.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. Petitioner has never made any dowry demand and has been falsely implicated in the present case mostly on



suspicion and grudge. There is general and omnibus allegation against the petitioner. 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. Petitioner is ready to pay Rs.4,000/- (Rupees Four Thousand) per month to opposite party No.2 in the first week of every month as per the bank account details furnished by her in the learned Court below.

6. In 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 Complaint Case No. 173/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that 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 cancellation of the bail bond of the petitioner.



8. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceedings.

9. Learned counsel for the opposite party no.2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned Court below

10. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

11. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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