

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50062 of 2023

Arising Out of PS. Case No.-1167 Year-2022 Thana- COMPLAINT CASE District- Araria

Md. Shamim @ Shamim Alam @ Md. Shamim Alam Son of Jalil Miya @
Md. Jalil Resident of village - Chaura Parwaha, ward no. 13, P.S. -
Forbesganj, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabina Khatoon Wife of Samim Alam, D/o Idrish R/o Vill - Jhokharan, ward
no. 08, P.s. - Jogbani, Distt. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
For the Informant	:	Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-10-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A),
323 of the Indian Penal Code.

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. 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 Araria Complaint Case No.1167-c/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.3000.00 (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. Learned counsel for the opposite party no.2 is directed to make available the bank account details of opposite party no.2 in the learned Court below.

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. Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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