

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52462 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- MAHILA PS District- Katihar

MD. ANWAR S/O LATE MD. NIZAMUDDIN Resident of village-
Mansoorganj Dherwa, P.S.- Hasanganj, District- Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KUSHBOO KHATOON D/O MD. AZIZ Resident of village- Siranda, P.S.-
Pranpur, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Adv.
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP.
Mr. Pravin Chandra Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-03-2023 Heard learned counsel for the for the petitioner and
learned APP for the State.

Learned counsel for the petitioner is directed to remove
the defects within the four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 498A, 341, 323 of
the Indian Penal Code.

Petitioner, who is husband of informant/complainant, is
said to have tortured her physically and mentally in association
of his family members over the dowry demand. Petitioner is
said to have married with another lady.

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**.

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 Mahila P.S. Case No. 04 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.3,000.00 (Rupees Three Thousand) per month to the informant/complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant/complainant shall be at liberty to move before the



learned Court below for cancelling the bail bond of the petitioner.

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.

Learned counsel for the informant/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 informant/complainant after she furnishes her bank account details.

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.

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

(Anjani Kumar Sharan, J)

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