

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54777 of 2022

Arising Out of PS. Case No.-362 Year-2020 Thana- BISFI District- Madhubani

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Amanullah Shekh @ MD. Amanullah @ Amanullah @ MD. Amanullah Sekh
Son of Md. Haider Ali Resident of Village- Chhachhuwa, Purwari Tola, Ward
No. 08, Police Station- Bisfi, District- Madhubani

... .. Petitioner.

Versus

1. The State of Bihar.
2. Farhanaj Khatoon, aged about 26 years, daughter of Md. Mohsin Quraishi,
wife of Md. Amanullah Shekh, presently resident of village Chhachhuwa,
Purwari Tola, Ward No.8, P.S. Bisfi, Madhubani.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s :	Mr. Abu Nasar
For the Opposite Party/s :	Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioner and learned

APP for the State but in spite of valid service of notice none is

present on behalf of opposite party no.2.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 341, 323,

354, 498A, 504 & 506 read with Section 34 of the Indian Penal

Code and Section 3 and 4 of the Dowry Prohibition Act.

Petitioner, who is husband of opposite party no.2,

is said to have ousted her from the matrimonial home in

association of his family members over the dowry demand.

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 Bisfi P.S. Case No.362 of 2020, 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 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.



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 Court below is directed to issue notice to opposite party no.2 for furnishing her bank account details. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the opposite party no.2 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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