

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58588 of 2022

Arising Out of PS. Case No.-224 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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URAJASHLAM @ MD. URUJASHLAM @ MD. OROOJ ASLAM @ URUJ
ASHLAM @ URUJ ASLAM Son of Md. Mukhtar Ashlam Resident of
Village- Mathari @ Matrahri Ranipur, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. AFRIN PRAVEEN W/O Urajashlam @ Md. Urujashlam Resident of
Village- Karhara Birdipur, P.S.- Benipatti, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate
For the State	:	Mr.Surendra Kumar, A.P.P.
For the Complainant	:	Mr. Md. Soban Asghar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Complaint Case No. 224 of 2020 for the offence registered under Sections 341, 498(A), 420, 406, 506 and 120(B) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The allegation is regarding the marriage of the complainant having been solemnized with the petitioner on 23.06.2019, according to Muslim rites



and rituals and, during the course thereof, the father of the complainant is stated to have spent a sum of Rs. three lacs, had given a motorcycle worth Rs. 1.25 lacs and had also given other articles/jewellery at the time of '*Rukhsati*'. It is further alleged that the petitioner is having a mobile shop at Kolkata and after the complainant had gone to her matrimonial home, the petitioner and the in-laws of the complainant started pressurizing the complainant to bring various articles by way of dowry, however, on account of default in doing so, they started harassing and torturing her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 24.08.2022. The learned counsel for the petitioner has further submitted that though the petitioner is accused in two other cases, lodged at the behest of the complainant, however, he is on bail in both the said cases. The learned counsel for the petitioner



has also submitted that the complainant had earlier filed a case under Sections 498(A), 323, 324, 308, 354(b) and 380/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act bearing Benipatti P.S. Case No. 09 of 2021, and the matter was sent for mediation to the Patna High Court Mediation Centre, however, the mediation had failed and then a Co-ordinate Bench of this Court vide order dated 02.08.2022 passed in Criminal Miscellaneous No. 1594 of 2022, had granted bail to the petitioner herein. Lastly, it is submitted that though there is bonafide matrimonial dispute existing in between the parties, nonetheless, the petitioner is ready and willing to pay a sum of Rs. 5,500/- per month by way of maintenance till appropriate decision is taken by the learned court below.

Per contra, the learned A.P.P. for the State as also the learned counsel appearing for the complainant Shri Md. Soban Asghar have though vehemently opposed the prayer for bail but have submitted that the amount of maintenance to be



paid to the complainant, per month, is on a lower side.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the aforesaid materials available on record, this Court deems it fit and proper to direct for release of the petitioner on bail, subject to the petitioner furnishing undertaking that he shall deposit a sum of Rs. 5,500/- on the 1st of every month with the Ld. Court below, to be paid as maintenance to the complainant i.e. his wife, and further subject to imposition of such other conditions as may be deemed fit and proper to be imposed by the learned court of A.C.J.M.-1st, Benipatti, Madhubani in connection with Complaint Case No. 224 of 2020.

It is needless to state that the petitioner shall be released on bail subject to deposit of a sum of Rs. 5,500/- with the learned court below, which shall be released in favour of the



complainant upon appropriate application being made by her in that regard. It is also directed that, thereafter, the petitioner shall go on depositing a sum of Rs. 5,500/- on the 1st of every month before the learned court below so that the same can be disbursed to the complainant upon her making appropriate application and in default thereof, the present privilege of bail being granted to the petitioner shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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