

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60935 of 2023

Arising Out of PS. Case No.-1324 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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MAHTAB ALAM @ MAHATAB ALAM SON OF MAJANU ANSARI
RESIDENT OF VILLAGE - ADHAURA, POST - ADHAURA, P.S. -
ADHAURA, DISTRICT - KAIMUR AT BHABUA. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RUBANA PRAVEEN WIFE OF MAHTAB ALAM, DAUGHTER OF
SHAH ALAM ANSARI RESIDENT OF VILLAGE - ADHAURA, POST -
ADHAURA, P.S. - ADHAURA, DISTRICT - KAIMUR AT BHABUA

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajani Kant Pandey, Advocate
For the Opposite Party No.2	:	Mrs. Kiran Kumari Sharma, Advocate
For the State	:	Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-10-2023 Heard Mr. Rajani Kant Pandey, learned counsel for

the petitioner, Mr. Dilip Kumar No.1, learned APP for the State

and Mrs. Kiran Kumari Sharma, learned counsel for the

opposite party no.2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498A/34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. Petitioner, who is husband of opposite party
no2., 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 Complaint Case No.1324 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.5,000.00 (Rupees Five 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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