

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69261 of 2021

Arising Out of PS. Case No.-56 Year-2019 Thana- MAHILA PS District- Aurangabad

Md. Rizwan Alam @ Rizwan Alam Son of Mumtaz Shah Resident of Village
- Bishunpur, Police Station - Godari (Karakat), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

13 22-05-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Aurangabad Mahila P.S. Case No.56 of 2019, registered for the offences punishable under Sections 341, 323, 504, 506, 379, 498(A) and 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The case of the complainant, in brief, is that the marriage of the petitioner was solemnized with the informant on 17.05.2015 and when the informant had gone to her matrimonial home, the accused persons, including the petitioner herein,



started demanding dowry to the tune of Rs.5,00,000/- and subsequently, she was tortured on account of non-fulfillment of dowry and finally she was ousted from her matrimonial home.

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 having a clean antecedent. The learned counsel for the petitioner has further submitted that though the present case was referred for mediation, however, the report dated 11.10.2022, submitted by the learned Mediator, would show that the mediation has failed. The learned counsel for the petitioner has also submitted that in pursuance to the order dated 16.07.2022, passed by the learned Court of Principal Judge, Family Court, Aurangabad, a sum of Rs.8,000/- per month has been fixed as maintenance to be paid by the petitioner to the informant, out of which, a sum of Rs.1,00,000/- has already been paid and till the month of September, 2022, a further sum of Rs.1,94,000/- has accrued, which the learned



counsel for the petitioner submits that the petitioner is ready and willing to pay to the informant.

Per contra, the learned counsel for the informant as also learned APP for the State have jointly submitted that the petitioner should at least pay the aforesaid maintenance amount at the rate of Rs.8,000/- per month. It is also submitted by the learned counsel for the informant that in case the aforesaid maintenance amount of Rs.8,000/- per month is paid to the informant, the informant does not have any objection to the petitioner being granted the privilege of anticipatory bail, nonetheless, it is submitted that the informant is ready and willing to stay with the petitioner without any pre-condition.

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 materials available on record as also considering the fact that the petitioner is ready to pay a sum of



Rs.1,94,000/-, within a period of four weeks from today, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon payment of a sum of Rs.1,94,000/-, alongwith the other outstanding maintenance amount, upto date, which shall be assessed by the learned trial Court, subject to such other conditions as may be deemed fit and proper to be imposed by the learned court of S.D.J.M., Aurangabad in connection with Aurangabad Mahila P.S. Case No.56 of 2019 for the purposes of grant of anticipatory bail to the petitioner herein.

It is needless to state that the petitioner shall pay the aforesaid amount of Rs.1,94,000/-, along with the outstanding amount of maintenance as on 01.05.2023, within a period of four weeks from today and shall produce proof thereof before the learned trial Court, apart from making good the outstanding maintenance amount to be ascertained by the learned trial Court and only then the learned trial Court shall admit the petitioner to the privilege of anticipatory bail.



In the meantime, for a period of six weeks from today, no coercive action shall be taken against the petitioner.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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