

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65608 of 2022

Arising Out of PS. Case No.-175 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Kamaluddin S/o Md. Alauddin Resident of village- Bhagwatipur
Mantole, P.S.- Pandaul, District- Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Nasrin Praween W/o Kamaluddin Resident of village- Bhagwatipur
Mantole, P.S.- Pandaul, District- Madhuban. At present Daughter of Sahidul
Haque, Resident of Village- Chhuriya, Paik Toa, P.S.- Maniganchi District-
Darbhanga

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s :		Mr. Ram Priya Sharan Singh, APP Mr. Shah Nawaz Ali, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Madhubani C.R. Case No. 175 of 2020 registered for the offences punishable under Sections 341, 323, 504, 379 and 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. He has got no criminal antecedent.

3. As per the complaint petition, the complainant was married to this petitioner in the year 2017 and after marriage,

the maternal uncle and maternal aunt of the husband of the complainant started demanding Rs. One lakh and a motorcycle as dowry and on non-fulfillment of the same, she was being tortured mentally and physically. It is alleged that on 15.08.2019 complainant's ornaments were snatched and she was ousted from her matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner wanted restitution of conjugal rights and for that reason he has filed an application under Section 281 of the Mohammadan Law in the court of learned Principal Judge, Family Court, Madhubani but it is the complainant who is not ready to live with the petitioner. The allegations of torture and demand of dowry are false, concocted and baseless.

5. Learned counsel for the petitioner submits that he is living at Kolkata and at this stage he is also ready and willing to take care of his wife and the minor children and to show his bonafides, he has offered a sum of Rs. 5,000/- per month as maintenance to the complainant, subject to any order which may be passed by any competent court of law in an appropriate proceeding.

6. Learned counsel for the O.P. No.2 has alleged that this petitioner is living with another woman at Kolkata,

therefore the O.P. No.2 is finding it difficult to live with him, however, she is ready to go for mediation in order to resolve the dispute amicably and for the present, she would accept Rs. 5,000/- per month as she is in need of financial help, however it will be without prejudice to her case.

7. Having regard to the facts and circumstances of the case, in the nature of the matrimonial dispute and that the parties are willing to go for mediation and at the same time petitioner is ready to pay a sum of Rs. 5,000/- per month on his own to the O.P. No.2 to take care of her, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Madhubani C.R. Case No. 175 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for

cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. And further condition that in terms of his own offer, the petitioner will pay a sum of Rs. 5,000/- per month within first seven days of every month in the account of the O.P. No.2.

10. In case of breach of the conditions mentioned above, it will be open for the O.P. No.2 to file an appropriate application seeking an appropriate order from the Court.

11. As the parties are ready to go for mediation, the learned Principal Judge, Family Court, Madhubani shall take efforts to send the records of the case to the mediation center attached to the learned court below where efforts for mediation shall be taken between the parties and an appropriate report shall be submitted to the learned Family Court, Madhubani within a stipulated period.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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