

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72781 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Md. Jubair Sah @ Md. Jubair Alam, male, aged about 31 years, Son of Md. Naseem Sah, Resident of Village- Paharpur, P.S.- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hina Praveen, Female, aged about 25 years, Wife of Md. Jubair Alam, Resident of Village- Paharpur, P.S.- Bhagwanpur, District- Vaishali at Present Village- Majhauli, P.S.- Vaishali (Belsar O.P.), District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the State : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 05-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 11 of 2021 instituted under Section 498(A) of the Indian Penal Code.

3. The allegation against the petitioner is that he was involved in the dowry torture against the complainant and also ousted the complainant from her matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The allegation against the petitioner is general and omnibus in



nature. Learned counsel submits that the petitioner is ready to keep his wife with full dignity, honour and security. The petitioner has filed Restitution Case No. 89 of 2021 for restitution of his conjugal life.

5. During the course of argument, learned counsel for the petitioner submits that he is ready to make payment of total Rs. 9,000/- (Nine Thousand) per month to the complainant for her maintenance subject to the decision of the maintenance case between the parties.

6. The said proposal of the petitioner is accepted by learned counsel for the complainant who has assisted the learned A.P.P. for the State.

7. In view of the facts and circumstances of the case, undertaking given by the petitioner for payment of maintenance amount to complainant and submissions of learned counsel for the parties, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, 1st, Vaishali,



Hajipur in Complaint Case No. 11 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with the following conditions:-

(i) The petitioner shall make total payment of Rs. 9,000/- per month to the complainant subject to order in Maintenance case.

(ii) The petitioner will remain present on each and every date fixed by the Court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Sunil Dutta Mishra, J)

P. Kumar

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