

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72167 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

Md. Kalam Khan @ Kalam Khan Son Of Shaheed @ Sahid Khan R/V-
Pithahi, Ward No. 11, P.O- Mathai, P.S- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Afsana Khatoon Wife of Md. Kalam Khan , D/o Ajmal Khan R/V- Pali,
Ghanshyampur, P.S- Ghanshayampur, Dist- Darbhanga
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-05-2023

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 494, 498(A) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and Section 4 of the Muslim Women Protection of Right of Marriage Act, 2019.

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. It is further alleged that the petitioner has solemnized 2nd marriage with Rozida Khatoon.

Learned counsel for the petitioner submits that the petitioner is an innocent person and has committed no offence. He submits that earlier the informant has filed a complaint case bearing C.R. No. 10 of 2020 under Sections 498(A) and 307 of the



IPC, in which the petitioner has been granted anticipatory bail and, thereafter, the present FIR was lodged by the informant. 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 got one criminal antecedent as mentioned in para-3 of the bail application.

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 Ghanshyampur P.S. Case No. 298 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C..

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.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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