

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70625 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- MAHILA PS District- Gaya

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SARPHARAJ KHAN @ SARFARAZ KHAN S/o Shahid Khan @ Sahid Khan R/o Mohalla- Gewal Bigha, P.S.- Rampur, Distt- Gaya. Permanent Resident of Mohalla- Barkat Nagar, Ward no. 8, Kendujhar, P.S.- Barbil, Odisha.

... .. Petitioner/s

Versus

1. The State of Bihar
2. HINA PARWEEN D/o Md. Sakir R/o Mohalla- Gewal Bigha, Post- Gewal Bigha, P.S.- Rampur, Distt- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tabish Sharfuddin
For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-05-2023 Heard learned counsel for the for the petitioner and learned APP for the State.

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

Petitioner, who is husband of informant/complainant, is said to have ousted her from the matrimonial home in association of his family members over the dowry demand.

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**.

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 Mahila P.S. Case No.51 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

Petitioner is ready to pay Rs.5,000.00 (Rupees Five Thousand) per month to the informant/complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant/complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

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.

Learned Court below is directed to issue notice to informant/complainant for furnishing her bank account details. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant/complainant after she furnishes her bank account details.

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.

With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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