

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70969 of 2022

Arising Out of PS. Case No.-1218 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

MD. SAHMAT @ SHAHID ALAM Son of Noor Mohammad R/V- Bank,
Ward no. 10, P.S- Dandari, Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kulsum Khatoon Wife of Md. Sahmat , D/o Late Md. Rajjak R/V- Bank,
Ward no. 10, P.S- Dandari, Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 16-05-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Begusarai Complaint Case No. 1218 C of 2021 dated 13-09-2021 registered under Section 323 & 498(A) of the IPC and Section 3/4 of the D.P. Act.

As per the prosecution story the marriage of the petitioner was solemnized with the Opposite Party-2 in the year 2012 and after some time the petitioner started torturing and harassing the O.P.- 2 / complainant and subjected her to mental as well as physical cruelty due to non fulfillment of demand of dowry and lastly the complainant has been ousted from her matrimonial home.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and there is matrimonial discord between the parties. He next submits that petitioner is ready to keep her wife but the wife is not willing to live with the petitioner-husband. However, learned counsel submits that without prejudice to his right and contention and in order to maintain harmony in the family, the petitioner is ready to pay a sum of Rs. 3000/- per month as 'living cost' in favour of the O.P.- 2 subject to the final outcome of this case or any other matrimonial case pending or decided between the parties.

On the other hand, learned counsel for the O.P.- 2 submits that the petitioner is not willing to keep the Opposite Party 2 as his wife with all care, love and dignity. He next submits that from perusal of the impugned order it transpires that the complainant was present before the learned I/C Addl. Sessions Judge-XII, Begusarai at the time of hearing of the bail application and she has submitted in writing that in the court stating that the petitioner portrays that he would keep her wife but as soon as the complainant would come out from the court the petitioner would abuse and threaten her. He was never ready to keep the complainant/O.P.-2. However the O.P.-2 accepts the offer made by the petitioner subject to the right and contention of the



complainant.

Regard being had to the submission made by the parties, taking into consideration the nature of dispute, the fact that the offer made by the petitioner has been accepted by the O.P.-2, as such, I am inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall pay a sum of Rs. 3000/- per month regularly in the Bank Account of the O.P.- 2. The Account No. and IFS Code shall be provided by the O.P.- 2 to the petitioner at the time of furnishing bail bond.

Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Ruby Kumari, learned J.M. 1st Class, Begusarai in connection with Begusarai Complaint Case No. 1218C of 2021 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. as well as subject to the condition as aforesaid.

praful/-

(Anil Kumar Sinha, J)

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