

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72135 of 2022

Arising Out of PS. Case No.-1713 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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KAMRAN HUSSAIN @ MD. KAMRAN HUSSAIN Son of Md. Dildar Hussain Resident of- 295/2S, A.P.C. Road Saheb Bagan, Raza Bazar, P.S.- Narkul Danga, District- Kolkata (West Bengal 700009)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Heena Parween Wife of Md. Kamran Hussain, D/O Md. Gulam Sarwar Resident of 295/25 S.P.C. Road Saheb Bagan, Raza Bazar, P.S.- Narkul Dagar, District- Howrah, Kolkata (West Bengal 700009), At present resident of Sarwar Bag. Mohalla Isopur, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Aslam Ansari, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP
Mr.Kahkashan Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable u/s 498(A), 341, 323, 326, 307, 379 of the IPC and Section 3/4 of the Dowry Prohibition Act but cognizance was taken u/s 498A and 323 of the IPC.

Petitioner, who is husband of complainant, is said to have tortured the complainant and ousted her from the matrimonial home in association of his family members over 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. He is ready to settle the dispute with the O.P. No.2. 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**. By way of filing a supplementary affidavit, it is stated that petitioner is ready to pay Rs.2000/- per month to O.P. No.2 as maintenance till disposal of the matrimonial dispute.

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 Complaint Case No.1713 (C) of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is directed to pay Rs.3000.00 (Rupees Three Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount



on two consecutive months, informant 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 counsel for the O.P. No.2 is directed to submit the bank account details of the O.P. No.2 before the learned Court below. 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 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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