

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.525 of 2023

Arising Out of PS. Case No.-254 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Md. Kasim @ Md. Kashim, Son of Late Abdul Hakim, R/o Qrt. 475/800,
Shastri Nagar, P.S- Shastri Nagar, Dist- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Mosarrat Jahan, D/o Late Qamruddin R/o Mohalla- Tripolia - Nanmohian
P.O- Gulzarbagh P.S- Alamganj, Dist- Patna 800007

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the complainant/opposite party no.2.

The accused/petitioner is named in the complaint
and apprehending his arrest in connection with Complaint Case
(P) No.254 of 2021 in which cognizance has been taken under
Sections 323, 341, 498-A, 504 of the Indian Penal Code and
Sections 4 of the Dowry Prohibition Act.

The allegation against the petitioner is to commit
cruelty against opposite party no.2/wife, namely, Mosarrat Jahan
due to non-fulfilment of demand of dowry as raised for a car.

It is submitted by learned counsel that petitioner is



a permanent employee of this Court where he solemnized marriage with opposite party no.2 after death of his first wife. It is submitted that all allegations as raised through complaint is unfounded and just to make the allegation graver against this petitioner, who is a law abiding citizen and employee of this Court. It is submitted that the petitioner is paying Rs.5,000/- per month to opposite party no.2 through her bank account, on his own instance to maintain her, which is sufficient to gather his conduct and affection towards opposite party no.2. It is submitted that petitioner is a man of clean antecedent.

Learned counsel appearing on behalf of the complainant submitted that complainant is desirous to receive one time payment rather on monthly basis.

In view of the above-mentioned facts and circumstances as petitioner is paying Rs.5,000/- to the complainant/opposite party no.2 on monthly basis, the above-named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-II, Patna City, Patna in connection with Complaint



Case No.(P)254 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC as also subject to the following conditions:-

(i) Petitioner is directed to pay Rs.5,000/- on monthly basis to opposite party no.2 till outcome of the learned Family Court on the point of maintenance. Any amount paid as such shall be adjusted accordingly.

(ii) Monthly maintenance amount of Rs.5,000/- be paid positively on or before 7th day of every english calendar month to the bank account of opposite party no.2 without fail, which is already available with petitioner.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

