

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7754 of 2023

Arising Out of PS. Case No.-1952 Year-2015 Thana- COMPLAINT CASE District- Banka

MD. KABIR SON OF LATE MANIR RESIDENT OF VILLAGE- VIHAR,
P.S.- BARAHAT, DISTRICT- BANKA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RAZIYA KHATOON WIFE OF MD. KABIR R/O JAIPUR, P.S.-
KATORIYA, DISTRICT- BANKA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP
Mr.Pranav Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-02-2024 Perused the order-sheet.

2. Earlier on 08.08.2023, order no.3 was passed in this case by a co-ordinate Bench of this Court but it appears that in place of order no.3, order no.83 has been created.

3. Let it be read as order no.3 in place of order no.83.

4. Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 and learned APP for the State.

5. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 498(A), 323, 504 of the IPC and section 4 of the Dowry Prohibition Act.

6. Petitioner, who is husband of complainant, is said to have tortured the complainant over dowry demand and she was forced to leave the matrimonial house.



7. 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**. Petitioner is still ready to keep the complainant with him with all love and dignity.

8. 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.1952 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. Petitioner is ready 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, complainant shall be at liberty to



move before the learned Court below for cancelling the bail bond of the petitioner.

10. 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.

11. Learned counsel for the O.P. No.2 is directed to furnish the bank account details of the complainant 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 complainant after she furnishes her bank account details.

12. 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.

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

(Anjani Kumar Sharan, J)

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