

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15862 of 2024

Arising Out of PS. Case No.-218 Year-2022 Thana- DIGHA District- Patna

Shahid Imam @ Sahid Imam Son of Zafar Imam @ Jaffar Imam Resident of
Panch Mohalla, P.S. - Jehanabad, District - Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fauzi Parween Wife of Shahid Imam, Daughter of Khurshid Alam, Resident of New Colony, P.O. - Digha Ghat, P.S. - Digha, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ataul Haque, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Digha P.S. Case No. 218 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506 and 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is of torturing his wife (O.P. No.2) over non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that the petitioner happens to be husband of O.P. No.2. He had already filed Matrimonial Case No. 72 of 2022, which is



pending before the learned Principal Judge, Family Court, Jehanabad. The matter was earlier heard on 21.06.2024 and taking note of the submissions that there is a chance of one time settlement between the parties, it was referred to the Patna High Court Mediation and Conciliation Centre, for reconciliation. In compliance with the order of this Court, a report has been submitted by the learned Mediator that despite best and sincere efforts, the matter could not be resolved through the process of mediation.

5. Learned counsel for the petitioner further contended that though the allegation has been levelled that the petitioner has already solemnized another marriage but the FIR has not been instituted under Section 494 of the Indian Penal Code. Moreover, the petitioner bears fair antecedent and he undertakes that he would pay Rs.5000/- per month to the O.P. No.2, which shall be deposited in her account in the 1st week of every month from October, 2024, till the final outcome of Matrimonial Case No. 72 of 2022.

6. On the other hand, learned counsel for the State opposed the bail application and submitted that there is specific allegation against the petitioner of demand of dowry and torture.

7. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner has already moved before the Family Court in Matrimonial Case No. 72 of 2022 which is pending consideration, apart from his fair antecedent, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection with Digha P.S. Case No. 218 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further conditions that:

- (i) One of the bailors shall be the own/close family members of the petitioner.
- (ii) The petitioner shall deposit Rs.5000/- per month in the account of O.P. No.2, till the final settlement of the dispute by the Family Court.

(Harish Kumar, J)

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