

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21205 of 2024

Arising Out of PS. Case No.-1189 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Md. Saif Ali @ Mister @ Shaif Ali S/o Md. Raju R/o vill - Kaswa Kharhi,
P.s.- Shahkund, Distt. - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nasariu D/o Md. Tayyad, W/o Shaif Ali @ Mister @ Shaif Ali R/o vill -
Kaswa Kharhi, P.s - Shahkund, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 21-03-2024 Heard learned counsel for the petitioner, learned APP
for the State along with learned counsel for the O.P. No.2.

2. The petitioner seeks bail in connection with
Complaint Case No.1189 of 2019 instituted for the offences
under Sections 323, 379, 498(A), 307, 504/34 of the IPC and ³/₄
of the Dowry Prohibition Act.

3. Prosecution case, in short, is that As per F.I.R, the
complainant is wife of the petitioner. She has filed a case under
Section 498(A) and other allied sections of I.P.C as well as
Section 3 and 4 of Dowry Prohibition Act with an allegation that
the marriage of the couple was solemnized in the year 2013. The
accused persons inflicted cruelty for non-fulfillment of dowry
demand.



4. The learned counsel for the petitioner submits that the case was referred for mediation for settling the dispute in between the parties, but then the mediation proceedings failed.

5. Learned counsel for the petitioner has submitted that opposite party no. 2 has refused to go to her matrimonial house to which the learned counsel for the opposite party no. 2 submits that as a matter of fact, the petitioner has solemnized his second marriage and it was the reason that he is inflicting cruelty on the opposite party no. 2. She is facing hardship and passing her miserable days in financial scarcity, with her two minor children, having no sufficient means to maintain them.

6. At this stage, the learned counsel for the petitioner submits that he has instructions to make submission on behalf of the petitioner that since till date O.P. No.2 is wife of the petitioner and the marriage is subsisting as such the petitioner is willing to pay a sum of Rs.8000/- per month to the O.P. No.2 for maintaining herself and her children.

7. The learned counsel appearing on behalf of the O.P. No.2 submits that he will whatsapp the bank account number of the O.P. No.2 on the whatsapp number of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to communicate the same to the petitioner so that the



monthly maintenance as agreed commences from 15.04.2024.

8. Considering the aforesaid facts and circumstances of the case and period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of court below/concerned court in connection with Complaint Case No.1189 of 2019.

10. However, it is made clear that O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if petitioner does not deposit the monthly maintenance as agreed for two consecutive months.

11. The application stands allowed.

(Rudra Prakash Mishra, J)

Prakash Narayan

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

