

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18394 of 2024

Arising Out of PS. Case No.-133 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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AZIM SHA @ AAZIM SA @ MUHAMMAD AZIM SON OF SARFUDDIN
KHAN @ SARFUDDIN SAI @ SARFUDDIN R/O-REVSA, P.S.-
ALINAGAR, DISTT.-CHANDALI (UTTAR PRADESH)

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAHANA KHATOON WIFE OF AZIM SHA @ AAZIM SA @
MUHAMMAD AZIM R/O-REVSA, P.S.-ALINAGAR, DISTT.-
CHANDALI (UTTAR PRADESH). AT PRESENT ADD.-DAUGHTER
OF MAHBOOB SAI, R/O-CHEHARIYAN, P.S.-DURGAWATI, DISTT.-
KAIMUR AT BHABUA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Parwej Khan, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, A.P.P.
For the Complainant	:	Mr. Dharmendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-09-2024 Heard Mr. Parwej Khan, learned Counsel for the

petitioner, Mr. Dharmendra Kumar, learned Counsel for the

complainant and Mr. Pawan Kumar Chaurasia, learned APP for

the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 133 of 2022, F.I.R. dated
02.09.2022 registered for the offences punishable under
Sections 498(A), 323 and 504 of the Indian Penal Code and
Section $\frac{3}{4}$ of the Dowry Prohibition Act.

3. The prosecution case, in short, is that the



complainant's marriage was solemnized about four years ago, under the Muslim custom and rituals. At the occasion of marriage her parents and other relative had given Rs. 1 lac and gold chain, ring etc. worth Rs. 80,000/-. Later on she gave birth of two children. Further, after birth of second child, accused persons started demanding Rs.1 lac and forced her to demand from her father, but due to non-fulfillment she along with her children being tortured. On 28.08.2022 father-in-law started quarrel and said to kill her, then mother-in-law poured kerosene oil upon her and husband of complainant started beating her, the complainant intimated to his father on telephone then he along with some witnesses asked about the matter, then accused persons flatly refused to keep complainant, if demand could not be fulfilled. On 30.08.2022 she along with children dropped at near Durgawati Bridge, Chehariyan road, thereafter she along with children came to her house (maike) and thereafter went to the police station, where the S.H.O. said to lodged a complaint case.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the



complaint petition.

5. Vide order dated 28.06.2024, the matter was referred to the Patna High Court Mediation Centre for the settlement of dispute between the parties but report of the learned Mediator dated 28.08.2024 suggests that inspite of best efforts, the matter could not be resolved in the mediation.

6. Learned Counsel for the petitioner submits that the petitioner is ready to keep the complainant with him but after one year and he has filed undertaking by way of supplementary affidavit in which he has fairly submitted that he will pay Rs. 4,000/- per month to the opposite party no. 2, as maintenance for one year i.e. October, 2024 to September, 2025 and thereafter, the opposite party no. 2 shall live with the petitioner.

7. Learned APP for the opposite party no. 2 has no objection in view of the supplementary affidavit as well as undertaking given by the learned Counsel for the petitioner.

8. Learned Counsel for the petitioner is directed to pay Rs. 4,000/- (Four Thousand) per month to the Bank Account of the complainant (Account No.- 73400100120921, Bank- Madhya Bihar Gramin Bank, IFSC Code- PUNBOMBGB06, Branch- Chehariya, District-Kaimur at Bhabua).



9. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, Kaimur at Bhabua in connection with Complaint Case No. 133 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case



at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(4) If the petitioner has not comply the aforesaid order, the opposite party no. 2 will be at liberty to file an application before the appropriate forum for cancellation of his anticipatory bail.

(Rajesh Kumar Verma, J)

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