

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21075 of 2024

Arising Out of PS. Case No.-54 Year-2021 Thana- MAHILA P.S. District- Purnia

Shane Alam @ Nausen Son of Md. Hasib Resident of Village Jahagipur
Dhalaiya Ramdeli, Police Station- Jalalgarh, District- Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gaushiya Praveen D/o Late Shamsher , Wife of Shane Alam @ Nausen
Residing at Village- Sanjhaili, Police Station- Kasba, District- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2024 Heard learned counsel for the for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 498(A), 494/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of informant, is said to have tortured upon her physically and mentally and ousted her from the matrimonial home in association of his family members over the dowry demand.

4. Earlier, the petitioner filed his anticipatory bail petition before this Court vide Cr. Misc. No. 70759 of 2022, which was allowed with a condition that the petitioner will deposit Rs. 5,000/- per month in the account number provided by the



opposite party no.2, which was never furnished and therefore, petitioner could not be able to abide by the said condition and ultimately, he was arrested by the police on 12.12.2023.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and he has committed no offence. He has falsely been implicated in the present case due to ulterior motive. All the allegations levelled against the petitioner is totally false and based on concocted facts. He has neither demanded any dowry nor tormented over the informant nor ousted her from her matrimonial home. He is still ready to keep her with full honour and dignity. 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 has no criminal antecedent and he is in judicial custody for more than five months.

6. Now, petitioner is ready to pay Rs.3,000.00 (Rupees Three Thousand) per month to the informant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. In that view of the matter, the above named petitioner is directed to be enlarged on bail 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 (Purnia) Mahila P.S. Case No. 54 of 2021.

8. 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.

9. Learned Court below is directed to issue notice to informant for furnishing her bank account details. 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 informant after she furnishes her bank account details.

10. 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.

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

(Anjani Kumar Sharan, J)

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