

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27269 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Shamshad Khan @ Samsad Son of Shamshul Khan R/o Village- Ashapur,
P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Praween W/o Shamshad Khan, D/o Late Raja Khan R/o Village-
Ashapur, P.S.- Bahera, District- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar, A.P.P.
	Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-07-2024 Heard learned counsel for the parties.

2. The petitioner who is husband of opposite party
No. 2 apprehends arrest in a case registered for the offences
punishable under Sections 323, 498A of the Indian Penal Code.

3. As per the prosecution case, marriage of the
complainant was solemnized with this petitioner on 30.4.2023
but after marriage, this petitioner along with other accused
persons started demanding dowry of Rs. 15 lacs and tortured
and harassed the complainant due to the non-fulfillment of
demand of dowry and finally ousted her from the matrimonial
house.

4. Learned counsel for the petitioner submits that the
petitioner offers and undertakes that he is ready to give



maintenance amount of Rs. 3000/- per month, starting from this month, to opposite party No. 2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of Rs. 3000/- (three thousand) per month to the opposite party No. 2, in the event of arrest/surrender within a period of six weeks from today, let the above-named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Benipur, Darbhanga in connection with Complaint Case No. 243 of 2023 corresponding to T.R. No. 01/2024, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

‘(1) Opposite party No. 2 would file an affidavit before the court below and bring on record her savings bank account number for its communication to the petitioner.

(2) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party No. 2.

(3) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(4) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected



proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.’

(Prabhat Kumar Singh, J)

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