

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33303 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- MAHILA P.S BAGHA District- West
Champaran

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Abdul Basar son of Late Shahbaj Ali Resident of Village- Bashiya, Police
Station- Padrauna, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Khatoon Wife of Abdul Basar, Daughter of Teyjuddin Ansari Resident
of Village- Semra, Police Station- Semra, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Perna Anand

For the Opposite Party/s : Mr. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 22-10-2024
1. Heard learned counsel for the petitioner, learned counsel
for the opposite party no. 2 and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Mhila (Bagaha) Case No. 50 of 2023, registered for the
offences under Sections 341/323/498-A/379/504/506/34
of the Indian Penal Code.

3. The allegation, as per the complaint case, is that the
marriage of the Opposite Party No. 2 was solemnized
with the petitioner in the year 2023 and at the time of
marriage the petitioner's father gave Rs. 1 Lakh cash and
other articles as gift. After some time, the petitioner and



other family members harassed and tortured the informant's daughter mentally and physically. From the wedlock two children were born. It has further been stated the petitioner had illicit relationship with his brother's wife, which the informant's daughter protested, upon which the accused persons, including the petitioner, assaulted the complainant and ousted her from matrimonial home and did not return her children.

4. The matter was referred to the mediation, however, the mediation failed. When the matter was called out and heard, this Court explored the possibility of amicable settlement between the parties.
5. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 3,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case, if any, pending and/or decided between the parties.



6. Learned Counsel for the complainant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,000/- per month in the bank account of the complainant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the Opposite Party No. 2 to learned Counsel for the petitioner within ten days from today.
7. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran, in connection with Mahila (Bagaha) Police



Station Case No. 50 of 2023.

10. This is subject to the condition that the petitioner shall deposit a sum of Rs. 3,000/- per month in the bank account of Opposite Party No. 2, staring from 11th November, 2024.

(Anil Kumar Sinha, J)

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