

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35626 of 2024**

Arising Out of PS. Case No.-56 Year-2023 Thana- MAHILA P.S BAGHA District- West
Champaran

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Safadar Saifi @ Chhotu Son of Afasar Khan, R/O Baswariya, P.S.- Bettiah
Town, Dist.- West Champaran. At Present R/O Mansa Tola, near T.V.S. Show
Room, P.S.- Bettiah Muffasil, Dist.- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Shabana Khatoon, W/o Safadar Saifi, D/o Abdul Hakim Khan. At present,
R/o Ansari Tola, Ward No. 31, PS- Bagaha, Distt.- West Champaran.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 31-07-2024 Heard Mr. Milind Kumar Mishra, the learned

counsel for the petitioner, the learned counsel for the
complainant / informant and Mr. Sanjay Kumar Tiwary, the
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bagaha Mahila PS Case No. 56 of 2023, FIR
dated 11.09.2023, registered for the offences punishable under
Sections 341, 323, 498(A) and 504 read with Section 34 of the
Indian Penal Code and under Section 3/4 of Dowry Prohibition
Act.

3. According to the prosecution case, the complainant
/ informant was subjected to regular torture and abuse by her in-
laws over non-fulfillment of dowry demand and later she was



ousted from her matrimonial home for the same reason.

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

5. Vide order dated 11.06.2024, the matter was referred to the Patna High Court Mediation Centre for settlement of dispute between the parties. However, report of the learned Mediator dated 26.07.2024 suggests that in spite of his best efforts, the dispute between the parties could not be settled through the process of mediation.

6. Learned counsel for the petitioner further submits that petitioner is ready to pay Rs. 5,000/- (Rupees five thousand) per month to the complainant / informant as interim maintenance.

7. The learned counsel for the complainant / informant and the learned Additional Public Prosecutor for the State have no objection to aforementioned contentions made by the learned counsel for the petitioner.

8. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four



weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran, where the case is pending in connection with **Bagaha Mahila PS Case No. 56 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

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

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

(iv) Petitioner shall pay Rs. 5000/- (Rupees five thousand) at the time of furnishing the bail bond by way of demand draft in favour of the complainant / informant namely, Shabana Khatoon and the learned trial Court is directed to hand over the said demand draft to the complainant / informant or her representative, and the petitioner shall deposit Rs. 5000/- (Rupees five thousand) per month, in the first week of every month, in the bank account of the complainant / informant, furnished by the learned counsel for the complainant, which is as follows:

Name : Shabana Khatoon
Account No. : 36068581592
IFSC Code : SBIN0002905

(v) If the petitioner fails to deposit Rs. 5000/- (Rupees five thousand) per month in the said bank account of the complainant / informant, the complainant / informant shall be at liberty to move before the learned trial Court for cancellation of the bail bond of the petitioner.

(Rajesh Kumar Verma, J)

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