

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35677 of 2024

Arising Out of PS. Case No.-390 Year-2021 Thana- PHULPARAS District- Madhubani

Abdus Salam Son of Md Sakur Resident of Village - Godhiyari Harirari, P.S. -
Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sabnam Naj W/o- Abdus Salam, D/o- Md. Nazmul Hussain, Resident of
Village- Rahua Sangram tole Islampur, P.S. Bheja District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo, Advocate

Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

5 22-11-2024 Heard the parties.

2.. The petitioner apprehends his arrest in connection
with Phulparas P.S. Case No. 390 of 2021 dated 12.10.2021
registered for the offence punishable under Sections 498(A)/ 34
of the Indian Penal Code.

3. Vide order of this Court dated 06.09.2024, the
instant petition for anticipatory bail was referred to Patna High
Court Mediation Centre in order to explore the feasibility of
amicable reconciliation between the parties. Thereafter, the
mediation proceeding took place on 24.09.2024 and it reveals
that even after best and sincere efforts the dispute between the
parties could not be resolved, hence the mediation failed. Since



the mediation has failed, the matter has again come up before the Bench for consideration of anticipatory bail.

4. As per the prosecution case, the marriage of the informant was solemnized with the petitioner on 03.07.2019 according to Muslim customs in which various articles and jewellery were gifted. She went to her Sasural but after one month her husband Abdul Salam, father in-law Md. Sakur alongwith first wife and second wife and Md. Kalam son of Md. Sakur and wife of Md. Kalam and some other relatives demanded four wheeler vehicle from the informant and told her to ask her parent and maternal grand father to provide them four wheeler vehicle and due to none fulfillment of said demand she was subjected to various forms of torture. Informant has also alleged that petitioner was working at Dubai and after two months of marriage he went to Dubai. Informant has also alleged that accused persons also tried to kill her.

5. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner as alleged and he has falsely been implicated in this case. He next submits the allegation of demand of dowry is totally false as the same has been levelled in order to harass the petitioner and his family.



6. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family, the petitioner undertakes to pay a sum of Rs. 6,000/- per month to the Opposite Party No. 2 as “living cost”.

7. Learned counsel for the 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. 6,000/- per month in the bank account of the 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 one week from today.

8. 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 anticipatory bail to the petitioner.

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 anticipatory bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. IInd, Jhanjharpur, District- Madhubani in



connection with Phulparas P.S. Case No. 390 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) The petitioner shall deposit a sum of Rs. 6,000/- per month in the bank account of Opposite Party No. 2 positively by the 2nd week of every month starting from the month of December, 2024.

(ii) In the event, the petitioner does not pay the monthly maintenance, as agreed, for two consecutive months, the O.P. No. 2 shall be at liberty to file an application before the court below seeking cancellation of the anticipatory bail granted to the petitioner and the court below shall pass appropriate order in accordance with law.

(Khatim Reza, J)

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