

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37082 of 2024

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

Md. Daniyal Ansari S/o Mohammad Shamim Akhtar R/o Gulzar Nagar,
Jamuria Bazar, P.O. And P.S. - Jamuria, Dist- Paschim Bardhaman, West
Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zikra Bint Reyaz @ Gudiya D/o Late Md. Reyazul Haque R/o Village-
Kabirpur, P.S.- Nath Nagar(Lalmatiya), Dist- Bhagalpur,Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tahsin Nayyar Siddiqui, Advocate
For the State	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Avinash Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2024 Heard Mr. Tahsin Nayyar Siddiqui, learned counsel
for the petitioner, Mr. Avinash Kumar Pandey, learned counsel
appearing on behalf of the informant as well as Mr. Rajesh
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bhagalpur Mahila P.S. Case No. 36 of 2022,
F.I.R. dated 07.08.2022 for the offences punishable under
Sections 498(A), 341, 323, 504, 504/34 of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, all the accused
persons including this petitioner tortured and assaulted the
informant due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. Vide order dated 19.07.2024, the matter was referred to Patna High Court Mediation Centre for settlement of dispute between the parties. Report of the learned Mediator dated 30.09.2024 reveals that in spite best efforts, the dispute between the parties could not be resolved and the mediation failed.

6. Learned counsel for the petitioner submits that the petitioner is ready to pay Rs. 8,000/- (Eight thousand) per month to the informant as maintenance till the disposal of the maintenance case, if any filed by the informant.

7. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have no objection in this regard.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on 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 Judicial Magistrate 1st Class, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 36 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall pay Rs. 8,000/- (Eight thousand) per month on the very first week of the month as maintenance to the informant in her bank account no. 38921183247, IFSC Code-SBIN0003603. And if the petitioner fails to deposit the any of the aforesaid maintenance amount, then the informant has liberty to move before the learned Court below for cancellation of his bail bond.

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

iii. 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.



iv. And further condition that the court below 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 court below 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.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

