

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48624 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA PS District- Darbhanga

Ayaz Ahmad @ Shakib @ Azad Ahmad Son of Nasim Ahmad Resident of
Village- Muradpur Dullah, Po- Bhikhanpura, Ps- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zeenat Yasmin Daughter of Late Sher Ahmad Resident of Village- Gaura,
Ps- Simri, Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rashid Rais, Advocate
For the State	:	Mr. Tapeswar Sharma, APP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2024 Heard Mr. Rashid Rais, learned counsel for the

petitioner, Mr. Ashok Kumar Jha, learned counsel appearing on

behalf of the informant as well as Mr. Tapeswar Sharma,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 18 of 2022 (G.R. No. 657
of 2022) F.I.R. dated 10.03.2022 for the offences punishable
under Sections 498A, 313, 323, 379, 504, 506/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, the informant was
subjected to torture by all the accused persons including this
petitioner due to non-fulfillment of demand of dowry. It is



further alleged that all the accused persons have given her some medicines in order terminate her pregnancy.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is husband of the informant. He further submits that the police have submitted chargesheet against the petitioner under Sections 498A/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

5. Vide order dated 01.05.2024, the matter was referred to the Mediation Center for amicable settlement of dispute between the parties. Report of the learned Mediator dated 28.08.2024 reveals that in spite best efforts, the dispute between the parties could not be resolved. Hence, the mediation failed.

6. Learned counsel for the petitioner outrightly submits that the petitioner is ready to pay Rs. 10,000/- per month to the informant who happens to be wife of the petitioner in her Bank Account No. 255201000002005, IFSC Code- IOBA0002552, Indian Overseas Bank, Simri, Darbhanga as interim maintenance (till the disposal of the maintenance case if any filed in the future).



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

6. 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 Sub Divisional Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 18 of 2022 (G.R No. 657 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 furnish a demand draft of Rs. 10,000/- in favour of the informant and the same shall be deposited at the time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the informant and the petitioner would deposit the said maintenance amount per month in the saving bank account of the informant.

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)

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