

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56698 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA PS District- Jehanabad

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ABDUL SAMAD SON OF MD. KHALIL ANSARI RESIDENT OF
VILLAGE - SIGORI, DHOBIA, P.S. - SIGORI, DISTRICT - PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ZEBA ARSI DAUGHTER OF MD. HASNAIN ANSARI RESIDENT OF
MOHALLA - MAKHDUMABAD, P.S. AND DISTRICT - JEHANABAD

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shiva Shankar Prasad Singh, Adv. Mr. Pushpendra Priyadarshi, Adv.
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP. Mr. Najmal Hoda, Adv. Mr. Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-09-2024 In pursuance of the order dated 21.08.2024, both the parties along with their counsel are present in the Chamber.

2. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 498(A), 504, 506, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. Petitioner, who is husband of the informant, is said to have tortured her physically and mentally in association of his family members over the dowry demand of Rs.10 Lacs. He used



to go to his home village Sigori after locking all the household articles in a room. He also stopped giving a single penny for the expenses of the informant and her children.

5. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. No such occurrence as alleged has ever taken place. Petitioner is working in the Ordinance Factory, Jabalpur, Madhya Pradesh, which is a Central Government organization of Defence Ministry. He is a very responsible person and he does not want any litigation with his wife. It is further submitted that the petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. He is still ready to keep the informant with full honour and dignity. He is also ready to take away the informant and her children with him to his residence. The petitioner has relied upon the judgment of this Court in the case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006 (3) PLJR 182**. Learned counsel for the opposite party no.2 has also gave his consent on behalf of the opposite party no.2 to live with the petitioner.

6. Petitioner and informant are present in the chamber personally and they voluntarily agreed on the following terms



and conditions for each other:

(i). The petitioner agrees to pay Rs. 4,000 (Rupees Four Thousand) per month to the informant, to be disbursed in the second week of each month. However, this amount does not cover the expenses associated with providing a basic standard of living to the informant and her children.

(ii). The petitioner further agrees to ensure a basic standard of living for the informant and her children. This includes providing nutritious food, proper clothing, essential household amenities, medical care and covering the educational expenses of the children.

(iii). The petitioner agrees to respectfully take the informant and her children from her parental home in Jehanabad to his residence in Jabalpur within 10 days of receiving or producing a copy of this order and live with her peacefully.

(iv). Consequently, the informant agrees to maintain a positive relationship with the petitioner by showing love, affection, respect and companionship.

7. Petitioner is ready to pay Rs.4,000.00 (Rupees Four Thousand) per month to opposite party no.2 in her bank account



in the second week of every month.

8. If the petitioner fails to pay the amount of Rs. 4,000/- (Rupees Four Thousand), as aforesaid, on two consecutive months, the informant would be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

9. As both the parties are ready to live with each other on the terms and conditions, which has been voluntarily agreed between them, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Jehanabad Mahila P.S. Case No. 37 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

10. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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