

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59594 of 2023

Arising Out of PS. Case No.-1887 Year-2021 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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Md. Samsher S/O Md. Amirul R/O Village- Ward No. 13, Chakalhadad
(SHEKHTOLA), P.O- Alahadpur, P.S- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Praveen W/O Md. Samsher R/O Village- Chakalhadad Shekhtola,
P.O- Alahadpur, P.S- Vaishali, Distt.- Vaishali At Present Residing D/O
Shamsul Hoda, R/O Mohalla- Maripur, P.S- Kazi Mohammadpur, Distt.-
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh
For the Opposite Party/s : Mr.Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1887 of 2021 registered for the
offence punishable under Sections-498(A), 323, 324, 384, 386,
420, 406, 354, 307, 120(B)/34 of the Indian Penal Code.

3. Prosecution case, in short is that the complainant
was meted out with torture and assault at the hands of accused
persons due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the



present case. As a matter of fact, the victim herself refused to reside with the petitioner and he has lodged this false case against him.

4. On the otherhand, learned counsel appearing for the complainant opposed the prayer for bail and has submitted that the victim has apprehension of life threat at the hands of the petitioner, and that is why, she is not willing to go to her matrimonial house.

5. The petitioner, as per submission of learned counsel, has already lodged a case for restitution of conjugal rights which shows that he is willing to keep his wife with full dignity and honour.

6. Considering the above-mentioned facts and circumstances of the case, let the petitioner named above, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Ms. Alka Pandey, learned Judicial Magistrate-Ist Class, Muzaffarpur (East) in connection with Complaint Case No. 1887 of 2021 subject to the conditions as laid down under Section 438 of the Cr.P.C.

7. Further, the petitioner is directed to pay a sum of



Rs. 3,000/- per month to the victim/complainant. The amount, so given by the petitioner to the victim/complainant shall be adjustable to any other amount, awarded to the victim/complainant by any other competent court.

(Nawneet Kumar Pandey, J)

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