

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58833 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- BASANTPUR District- Siwan

MD. MOZAMMIL HUSSAIN @ MD. MOZMIL HUSSAIN SON OF
AKHTAR HUSSAIN RESIDENT OF VILLAGE - CHAND KUDARIA, P.S.
- MASHRAKH, DISTRICT - CHAPRA (SARAN)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. AFSARI KHATUN DAUGHTER OF LATE ZULFEKAR ALI RESIDENT
OF VILLAGE - LAKRI, P.S. - BASANTPUR (LAKRI NAVIGANJ O.P.),
DISTRICT - SIWAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Javed Aslam
For the Opposite Party/s :	Mr. Rabindra Kumar
	Mr. Vijay Bardhan Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2024 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498A, 494, 323, 504, 506 of the Indian Penal Code.

3. Petitioner, who is husband of informant, is said to have ousted her from the matrimonial home in association of his family members over the dowry demand.

4. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. 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 her with full



honour and dignity. 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**.

5. In that view of the matter, 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 Basantpur (Lakri Naviganj O.P.) P.S. Case No.136 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.3000.00 (Rupees Three Thousand) per month to the informant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial



maintenance case or any other collateral proceedings.

8. Learned counsel for the informant is directed to furnish the bank account details of the informant in the learned Court below. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details.

9. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of reconciliation or one time settlement.

10. Petitioner is directed to appear in the maintenance case filed by the O.P. No.2 in the Family Court. If it is found that the petitioner has not appeared in the maintenance case within one month, the bail bond of the petitioner shall be cancelled by the learned Court below.

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

(Anjani Kumar Sharan, J)

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