

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64402 of 2023

Arising Out of PS. Case No.-1295 Year-2022 Thana- COMPLAINT CASE District- Araria

MARUF @ MAROOF @ MAUF Son of Md. Nayeem R/o vill - Kumahiya
(Bhangia tola), ward no. 3, P.S. - Jokihat, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Parween D/o Late Zakir R/o vill - Chamanpur, ward no. 11, P.S. -
Jokihat, Dist. - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar, Adv.
For the Opposite Party/s :	Mr.Nirmal Kumar Sinha, APP
	Md.Ziaul Quamar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 08-05-2024 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 498A of the IPC and section 4 of
Muslim Woman (Protection of Right on Marriage) Act, 2019.

3. Petitioner, who is husband of complainant, is said to have
tortured the complainant and divorced her on the phone by
saying triple *talaq*.

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. 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 Complaint Case No.1295C of 2022, 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 complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant 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 O.P. No.2 is directed to furnish the bank account details of the complainant before 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 complainant after she furnishes her bank account details.

9. It is made clear that in the event, the O.P. no.2 solemnizes second marriage, the petitioner is at liberty to stop making the aforesaid payment, after duly intimating the Court below.

10. 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.

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

(Anjani Kumar Sharan, J)

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