

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68637 of 2023

Arising Out of PS. Case No.-97 Year-2022 Thana- MAHILA P.S. District- Patna

MD. SHAHANSHA ALAM @ SHAHANSHA ALAM S/o LATE MD.
ISHAQ KHAN R/o vill - Gurhatta, back of Devi Asthan, P.S. - Khajekalan,
Distt. - patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tabassum Praveen D/o Wakil Ahamad R/o Shah Ki Imali, P.S. - Khajekalan,
Distt. - Patna, at present C/o Wasim Khan, Khalilpura road, Phulwarisharif,
P.S. - Phulwarisharif, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Aquaib Khan, Adv.
For the Opposite Party/s :	Mr.Ajay Kumar Jha, APP.
	Mr. Praveen Kumar, Adv.
	Ms. Rupam Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-02-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 306, 388, 498A, 504, 506 of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry Prohibition Act.

3. Petitioner, who is husband of informant, is said to have tortured upon her physically and mentally and 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 Mahila P.S. Case No. 97 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.3,000.00 (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. 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. With the aforesaid observation and direction, this application stands allowed.

(Anjani Kumar Sharan, J)

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