

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67064 of 2023

Arising Out of PS. Case No.-1528 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

Shahid Khan @ Sahid Khan Son Of Jaleel Khan @ Md. Jaleel Khan R/O Vill
- Mahadev Chak, (Mahadev Chouk), Ward No. 10, Jailakha Abhiman,
Sakarpura, P.S. - Bakhri, Distt. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sitara Khatoon Wife of Shahid Khan @ Sahid Khan, D/o Md. Rabbana
Alam R/o vill - Singhoul ward no. 01, P.S. - Muffasil, (Singhoul OP), Distt. -
Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 498(A),
406, 307, 313, 511 of the Indian Penal Code but cognizance has
been taken only under Section 406, 498(A) of the IPC and
Section 4 of the D.P. Act.

3. Petitioner, who is husband of opposite party no2., is
said to have ousted the opposite party no.2 from her
matrimonial home in association of his family members over the
dowry demand.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is still ready to keep her with full honour and dignity. He submits that prior to filing of the present complaint petition, the same complainant has filed Complaint Case No. 177C of 2020 which has been lodged under Section 498(A), 406, 314 of the Indian Penal Code and also under Section 3/4 of the D.P. Act. He submits that the opposite party no. 2 had filed Maintenance Case No. 113(M) of 2020 before the learned court below in which the petitioner appeared and filed his written statement. The learned court below after taking evidence of both parties, granted maintenance Rs. 4000/- to the opposite party no. 2 and Rs. 3000/- to the children. He further submits that the petitioner has filed the revision application before this Court against the said order. He submits that there is general and omnibus allegation levelled against the petitioner. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the opposite party no. 2 opposing the prayer for bail submit that petitioner has not complied the order passed in the Maintenance Case No. 113 (M) of 2020.



6. However, the petitioner is ready to give Rs. 4000/- per month to the opposite party no. 2 and Rs. 3000/- to the children as maintenance.

7. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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. 1528C of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Petitioner is directed to comply the order dated 22.02.2023 passed in the Maintenance Case No. 113 (M) of 2020.

(Anjani Kumar Sharan, J)

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