

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74995 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- RAJAON District- Banka

MD. RIZWAN Son of Md. Naeem Resident of Village - Itwari, P.S.- Amarpur,
District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon Daughter of Md. Ikwal Resident of Village - Chakveer,
P.S.- Rajoun, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioner, learned Counsel for the complainant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
2. The petitioner apprehends his arrest in connection with Rajoun Police Station Case No. 314 of 2023, registered for the offences punishable under Sections 498-A, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.
3. The allegation, as per the complaint, is that the marriage of the Opposite Party No. 2 was solemnized with the petitioner five years ago. The petitioner and other family members started demanding Rs. 5 lacs and due to non-fulfillment of the said demand, they tortured the Opposite Party No. 2 physically as well as mentally. The petitioner, along with his family members ousted the opposite party no. 2. It is also alleged that



when she returned back to her sasural, he again started demanding dowry and sent her notice of divorce on 21.04.2023. After that, a Panchayat was called and the petitioner denied to obey the Panchayat after which, the Opposite Party No. 2 filed the present complaint.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to local village politics. He further submits that the allegations against the petitioner are false and nothing has happened as alleged in the FIR. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 3,500/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case, if any, pending and or decided between the parties.
5. Learned Counsel for the complainant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 3,500/- per month in the bank account of the complainant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the Opposite Party No. 2 to learned Counsel for the petitioner within ten days from



today.

6. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Banka, in connection with Rajoun Police Station Case No. 314 of 2023.
9. This is subject to the condition that the petitioner shall deposit a sum of Rs. 3,500/- per month in the bank account of Opposite Party No. 2, staring from 15th March, 2024.

(Anil Kumar Sinha, J)

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