

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77627 of 2024

Arising Out of PS. Case No.-1824 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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Md. Khursheed Alam Son of Mohammad Wazid Warsi Resident of Village -
Dabchhu, P.S.- Basantpur, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jamila Khatoon Daughter of Md. Muslim Village - Sundar Nikat 40 R.D.
Bazar, P.S. - Masharak, District - Saran. Sasurali - Jamila Khatoon, Wife of
Md. Khurshid Alam, Resident of Village - Dabchhu, P.S.- Basantpur, District
- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rananjay Kumar, Adv.
For the Opposite Party/s :	Mr. Mohammad Sufyan, APP.
	Mr. Vijay Kumar, Adv.
	Ms. Rajani Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 323, 324,
406, 379, 498(A), 504/34 of the Indian Penal Code. Later on
the cognizance has been taken under Sections 323, 498(A) &
504 of the Indian Penal Code.

3. Petitioner, who is husband of complainant, is said to
have tortured upon her physically and mentally and ousted her
from her matrimonial house 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. No such occurrence as alleged has ever taken place. He has falsely been implicated in the present case due to ulterior motive. He has neither made any dowry demand nor tormented the complainant over the demand of dowry nor drove her out of her matrimonial home. All the allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the complainant herself did not want to live in her matrimonial house with her in-laws. It is further submitted that prior to the present case, the complainant had also filed a case i.e. Basantpur P.S. Case No. 137 of 2022 under Sections 498(A), 494, 323, 504/34 of the Indian Penal Code for the same offence. It is further submitted that the petitioner and others have been granted the privilege of anticipatory bail by the learned Court below vide order dated 10.08.2022 passed in ABP No. 1077 of 2022 in which Rs. 5,000/- per month has been fixed towards maintenance of the complainant and her daughters and since then, the petitioner is paying the aforesaid maintenance amount every month to the complainant. Learned counsel further submits that petitioner



has one criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail.

6. 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. 1824 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Anjani Kumar Sharan, J)

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