

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77517 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- RANIGANJ District- Araria

Smmshad Nadaf @ Smmshad son of Mohmad Akhtar @ Akhtar Village-
Kamalpur Nadaf tola, Ward no. 13, Ps- Raniganj, dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabnam Khatoon wife of Smmshad Nadaf @ Smmshad Village- Kamalpur Nadaf tola, Ward no. 13, Ps- Raniganj, dist- Araria At P/A- Village- Hingna Aurahi, Kamat tola, ward no. 6, Po - Renugaon, Ps- Simraha, Dist- Araria
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.
Mr. Md. Naushad Uzzoha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 504, 506,
498A of the Indian Penal Code and Section 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 also tried to kill
her by pouring kerosene oil upon her body 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. He has falsely been implicated in the present case due



to ulterior motive. He has neither made any dowry demand nor tormented the informant over the demand of dowry nor tried to kill her. All the allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the informant herself did not want to live in her matrimonial house with her in-laws. It is further submitted that petitioner 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**. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

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 Raniganj Case No. 368 of 2023, subject to the condition as laid down under Section 482 (2) of the BNSS, 2023.

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 in 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 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 disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

