

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36739 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- AMDABAD District- Katihar

Sk. Wakil Son of Sk Fakruddin Resident of village - Bel Gachhi, P.S.-
Amdabad, District – Katihar ... Petitioner

Versus

1. The State of Bihar
2. Johenur Khatoon Wife of Sk Wakil Daughter of Sk Mahboob, Resident of
Village - Sultan Nagar, P.S.- Harishchandrapur, District - Malda (West
Bengal)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, A.P.P.
Mr. Md. Musowir, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-01-2025 Heard learned counsel for the petitioner, the State and
the opposite party no.2.

2. The petitioner, who is husband of opposite party
no.2, apprehends arrest in a case registered for the offence
punishable under Sections 420, 498A/379 of the Indian Penal
Code and Sections 3/4 of the D.P. Act.

3. Prosecution case in brief is that opposite party no.2
was married with the petitioner on 9.1.2022. After marriage, this
petitioner along with other accused persons started demanding
dowry and on non-fulfillment of the same they used to assault
and torture her. Lastly, accused persons ousted opposite party
no.2 from her matrimonial house.

4. Learned counsel appearing for the petitioner
submits that petitioner has committed no offence. However,
petitioner is ready to give Rs. 3000/-per month to opposite party
no.2 by way of temporary relief/solace, starting from this
month.



5. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that the petitioner, being husband of opposite party no.2, in connivance with his family members, subjected her to harassment and cruelty for non-fulfillment of demand of dowry and also ousted her to her parents' house. It is further submitted that she has no means of livelihood and is on the verge of starvation.

6. In view of the undertaking of learned counsel for the petitioner as well as condition of opposite party no.2, in the event of arrest/surrender within a period of eight weeks from today, let the petitioner, above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Katihar in Amdabad Police Station Case No. 184 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

(i) Opposite party no.2. would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(ii) Petitioner would deposit the aforesaid interim relief per month in the saving bank account of the opposite party no.2.

(iii) In case, petitioner fails to deposit the aforesaid amount of temporary relief/solace for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(iv) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the



parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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