

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51867 of 2024

Arising Out of PS. Case No.-254 Year-2022 Thana- TARAIIYA District- Saran

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Sameer Alam @ Mumtaz @ Md. Samir Alam S/o Md. Manjoor Alam RESIDENT OF VILLAGE - TAKHT KOURIYA (NATHU MORE), POLICE STATION - BHAGWANPUR, DISTT - SIWAN, BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shahina Khatoon W/o Sameer Alam @ Mumtaz @ Md. Samir Alam, D/o Md. Majid Ali R/o vill - Takht Kouriya (Nathu More), P.S. - Bhagwanpur, Distt. - Siwan, Bihar, At present R/o vill - Kharati, P.S. - Taraiya, Distt. - Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate
		Mr. Arif Daula Siddiquie, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the informant	:	Mr. Sanjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 14-05-2025 1. Heard the parties.
2. The petitioner apprehends his arrest in connection with Taraiya P.S. Case No. 254 of 2022 dated 21.07.2022 registered for the offence punishable under Sections 498(A), 34 of the I.P.C. and Section 3/4 of the D.P. Act.
3. As per the first information report the marriage of the informant was solemnized with the petitioner on 15.08.2019 as per Mohammadan law and after some days the petitioner and



the other co-accused demanded Rs. 4,00,000/- cash as dowry and due to non fulfillment of the demand they subjected the informant to cruelty. On 30.03.2021 the accused persons tried to kill her by sprinkling kerosene oil on her body but she was saved somehow. Lastly on 18.07.2022 the accused persons assaulted and ousted the informant from her matrimonial home.

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. From perusal of the F.I.R. it is apparent that only general and omnibus allegation has been made against the petitioner regarding demand of dowry and torture although the petitioner and / or his family members never made such demand as alleged in the F.I.R. The fact of the matter is that the informant / opposite party no. 2 herself does not want to live with the petitioner. The petitioner is ready and willing to keep the informant / opposite party no. 2 with full honour and dignity. However, without prejudice to the right and contention of the petitioner and in order to maintain harmony in the family the petitioner undertakes to pay a sum of Rs. 5,000/- per month to the Opposite Party No. 2 as “living cost” subject to final outcome of the present case as well as matrimonial case and / or maintenance case filed and decided



between the parties.

5. Learned counsel for the informant / 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. 5,000/- per month in the bank account of the informant / 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, as such, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st , Saran at Chapra, District - Saran in connection with Taraiya P.S. Case No. 254 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C.



as well as the following condition:-

(i) that the petitioner shall deposit a sum of Rs. 5,000/- per month in the bank account of the Opposite Party No. 2 positively by the 7th day of every month starting from the month of June, 2025.

(Anil Kumar Sinha, J)

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