

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50196 of 2024

Arising Out of PS. Case No.-304 Year-2020 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

=====

Sadam Husain son of Mashiha Miyan @ Masaheb Miyan Resident of Village-
Raybari Mahuava Ps- Chautarva Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjum Ara wife of Sadan Husain R/o- Raybari Mahuava Ps- Chautarva
Dist- West Champaran, A/P- D/o- Rasul Miyan R/o- Marahiya Ps- Lauriya
Dist- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Murari Sharan Tiwari, Advocate
For the State	:	Mrs. Gulnar Begum, APP
For the O.P. No.2	:	Mr. Sachida Nand Rai, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 03-07-2025 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the complainant/opposite

party no.2.

2. The petitioner apprehends his arrest for the offences

punishable under Section 147, 323 and 498A of the Indian

Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation made in the complaint is with regard

to demand of dowry and torture.

4. It has been submitted by learned counsel for the

petitioner that the allegations made in the complaint are totally

false. As a matter of fact, the petitioner is ready to to keep his



wife with full honour and dignity but it is the complainant, who is not interested in staying with conjugal life, rather he has information that she is going to perform second marriage.

5. Learned counsel for the informant controverts the allegation made and submits that an interim maintenance amount has also been awarded to the complainant/opposite party no.2 in the maintenance proceeding, which the petitioner is not paying on regular basis.

6. At this stage, the petitioner offers to give Rs.2000/- (Rupees Two Thousand) per month to opposite party no.2 in the first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

7. In such 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 four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten 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.304-C of 2020, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

8. Learned counsel for the opposite party no.2, under instruction, submits that the opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks from today. If the opposite party no.2 furnishes the bank account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the opposite party no.2 would be at liberty to file cancellation of bail.

9. However, at any subsequent stage, if the petitioner is able to satisfy the learned Court concerned by producing substantial and concrete evidence that opposite party no.2 has remarried, the learned Court concerned would consider to stop the payment of Rs.2000/- per month to the opposite party no.2.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

devendra/-

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

