

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54792 of 2024

Arising Out of PS. Case No.-1674 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

MD. HABIB RAI SON OF JABBAR RAI RESIDENT OF VILLAGE - SHIV
NARAYANPUR, POLICE STATION - SHIV NARAYANPUR, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ASMINE KHATOON DAUGHTER OF MD. FIROZ @ FIROZ, WIFE OF
MD. HABIB RAI RESIDENT OF VILLAGE - MEHARPUR, POLICE
STATION - PIRPAINTI, DISTRICT - BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md.Najmul Hodda, Advocate
For the State	:	Mr. Dilip Kr. No.1, APP
For the Complainant	:	Mr. Anupa Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 07-03-2025 Heard learned counsel for the petitioner, Mr. Dilip Kr.
No.1, 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, 498(A)/34 of the
IPC.

3. Petitioner, who is husband of the complainant along with
other co-accused persons is said to have abused and tortured the
complainant and demanded Rs.1,00,000/- and one motorcycle
from her as dowry. Due to non-fulfillment of dowry, they
assaulted her by means of belt, bamboo etc. and ousted her from
her matrimonial home after snatching her ornaments.



4. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. It is further submitted that the complainant was never honest with her husband and in-laws and she left her matrimonial home prior to lodging of the complaint. After the marriage, the complainant started to make pressure upon her husband to reside separately by taking her share in ancestral property and when petitioner denied, she become annoyed. 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 Complaint Case No. 1674 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

6. Petitioner is ready to pay Rs.2,000.00 (Rupees Two Thousand) per month to the complainant in the second week of



every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant 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 complainant is directed to furnish the bank account details of the complainant 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 complainant 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)

priyanka/-

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

