

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53711 of 2024

Arising Out of PS. Case No.-253 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Abdul Rahman Son of Late Md. Suddhu R/O Vill.- Babhni, P.s.- Pranpur,
Dist.- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Nur Jahan Khatoon Wife of Abdul Rahman, D/O Hari Sah R/O Vill.-
Kalabari, P.s.- Azamnagar, Dist.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Musowir

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Centre of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report kept at flag 'M').

2. Heard learned counsel for the petitioner, the State and the opposite party no.2.

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

4. The prosecution case in brief is that the informant



was married with the petitioner on 05.09.2013. 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, the accused persons ousted the informant from her matrimonial house.

5. Learned counsel for the petitioner submits that from perusal of the FIR it is apparent that the informant has committed fraud with her first husband and changed her name and religion for extortion of money from this petitioner. The petitioner is an old man aged about 58 years and has never married with the informant. However, the petitioner is ready to give Rs. 3000/-per month to opposite party no.2 by way of temporary relief/solace, starting from this month to the opposite party no.2.

6. 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 ousted her to her parents' house. It is further submitted that she has no means of livelihood and is on the verge of starvation.



7. 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 S.D.J.M, Katihar in connection with C.A. Case No. 253 of 2022 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)

Prakash/-

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