

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65680 of 2024

Arising Out of PS. Case No.-1966 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Samir @ Md. Samir Alam S/o- Sheikh Rizwan @ Vijavan Resident of
Balutola Rangpura ward no 5, PS-Mirganj District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabina Khatoon D/o- Md. Inzul C/o- Md. Majho Mansuri R/o- Ramna Tola
Rangpura W.No-14, Ps- Mirganj Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Madan Kumar, A.P.P.

Mr. AK Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-05-2025 Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Center 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 apprehends arrest in a case registered for the offence punishable under sections 323 and 498A of the Indian Penal Code.

4. Prosecution case in brief is that opposite party no.2 was married with the petitioner on 16.5.2023. After marriage, this petitioner along with other accused persons started demanding motorcycle as 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.

5. Learned counsel appearing for the petitioner, while



denying the allegations, submits that the petitioner is innocent and has falsely been implicated in this case. as a matter of fact, opposite party no.2 is a married lady with one Md. Majho Mansuri, which is also apparent from her Aadhar card. No marriage has been performed between the petitioner and opposite party no.2 and present case has been lodged only with a view to put pressure over the petitioner to marry with her.

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 He submits that opposite party no.2, in her statement recorded under section 164 of the Code of Criminal Procedure, has stated that the petitioner performed Nikah with her. Only after sometime, petitioner 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 opposite party no.2 has no means of livelihood and is on the verge of starvation.

7. Petitioner's dispute with respect to consummation of his marriage with opposite party no.2 cannot be examined by this Court while hearing pre-arrest bail petition. From perusal of complaint, it is clear that petitioner is husband of opposite party no.2 and due to torture meted out by him, opposite party no.2 is not living with the petitioner.

8. In view of the aforesaid facts and 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 Judicial Magistrate 1st class,



Purnea in Complaint Case No. 1966 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 Rs. 3000/- per month as temporary relief/solace 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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