

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65443 of 2024

Arising Out of PS. Case No.-128 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Ijharul Haque S/o- Shamsul Haque Village- Kara, P.S.- Obra, Distt-
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaibun Nisha Wife of Ijharul Haque, D/o- Khalil Ansari Village- Srikhinda
Ps- Naukha Dist- Rohtas, P/A- Takia Yusuf Chowk Ps- Sasaram Dist-
Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar
For the Opposite Party/s : Mr. Md. Shakir Ahmad

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-05-2025 The petitioner and the opposite party no. 2 are present

along with their respective counsels. After a brief interaction, it

appears that the matter cannot be resolved finally at this stage.

2. The petitioner apprehends his arrest in a case

registered for the offence punishable under Section 498A of the

Indian Penal Code.

3. By an earlier order, the matter had been sent to the

Patna High Court Mediation and Conciliation Centre for

resolution of disputes between the parties but the same has also

failed.

4. The prosecution case is based upon a complaint filed

by the opposite party no. 2 in which she has made an allegation



of demand of dowry and torture. Petitioner is the husband of opposite party no.2.

5. Learned counsel for the petitioner submits that the allegations levelled in the complaint are not correct and as a matter of fact, the petitioner was ready to keep his wife with full respect and dignity but the same did not happen.

6. It has further been pointed out that “Khulla” (agreement) was reached between the parties on 08.03.2022 and then on 17.05.2022 from which it would be evident that the first party which is the complainant (wife) has signed the said document along with her brother and Sarpanch of her village. The document also bears the signature of the second party which is the petitioner (husband) and his family members along with his Mukhiya representative. An agreement was arrived at between the parties that the parties will separate from each other and a cheque of an amount of Rs. 3,40,000/- of the State Bank of India bearing no. 362689, signed by the father of the petitioner, was deposited before the Sarpanch Gram Kachahri, Kara, Obra, Aurangabad which was to be received by the first party who is complainant (wife). However, the said cheque was never received by her and today the wife even refutes the said 'Khulla' arrangement. However, the learned



counsel for the petitioner submits that an amount of Rs. 3,40,000/- would be deposited in the account of the complainant (wife) by the petitioner, who would provide her bank account details to the petitioner. If the said account number of his wife or any of her relative is disclosed to the petitioner then the petitioner would immediately transfer the said amount into the account of the complainant (wife).

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. 128 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

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 one week 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 to opposite party no.2, the opposite party no.2 would be at liberty to file cancellation of bail.

9. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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