

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66089 of 2024

Arising Out of PS. Case No.-1273 Year-2022 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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Md. Arshad Alam S/O Late Md. Moinuddian Resident of Rahmat Nagar, Nai Basti, Road No. 4 , Near Seraj Hotel, Asansol, P.O- Burnpur, P.S- Hirapur, District- Bardhaman, west Bengal- 713325

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saba Parveen D/O Wajihuddin Siddiqui R/O Mawati Tola, Alamganj Road, Near Masjid, Ward No. 38, P.O-Sasaram, P.S- Sasaram, Distt.- Rohtas, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Basheer Faizi, Adv.
For the State	:	Mr. Rabindra Kumar, APP
For the Complainant	:	Mr. Shahrukh Shiddiqui, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 24-06-2025 Heard learned counsel for the petitioner, 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 Sections 498(A), 406, 307, 312, 511 and 120(B) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. However, later on, the cognizance has been taken only under Section 498(A), 323 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The instant case arises out of the complaint filed by the



opposite party no.2, wife of the petitioner, alleging therein that there was demand of four wheeler Swift Dzire and the consequent torture upon her.

4. The matter had earlier been referred to the Mediation Centre, Patna High Court for resolving the dispute between the parties. The report received from the Mediation Centre, however, discloses that the said mediation between the parties failed.

5. Learned counsel for the petitioner submits that the allegations made in the complaint are not correct and as a matter of fact, the petitioner, on account of the behaviour of the complainant, was compelled to file a divorce petition and a notice for divorce was sent to the complainant from the office of the Muslim Marriage Registrar and Kazi, a body of Government of West Bengal on 15.03.2023, but there is no reply from the complainant and thereafter, the petitioner was granted the certificate of divorce on 15.06.2023 which has not been challenged by the complainant. The notice and the certificate both have been brought on record by way of Annexure-P/3 and Annexure-P/4, respectively. It is further submitted that after receiving the notice, the complainant and her family members indulged in assault resulting in an FIR at



Asansol (Annexure-5) and as a counter blast to the said FIR and the factum of divorce, the present case was filed.

6. Learned APP for the State and learned counsel appearing for the complainant, however, support the allegations made in the complaint petition and point towards the non-appearance of the petitioner in maintenance case at Sasaram.

7. At this stage, learned counsel for the petitioner makes an offer that the petitioner would make the payment of Rs.5000.00/- (Rupees Five Thousand) per month to the complainant in the second week of every month.

8. Considering the facts and circumstances of the case, 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. 1273(C) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. 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.



10. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If the complainant 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. If the petitioner fails to pay the aforesaid amount on two consecutive months, the complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

11. However, the petitioner is directed to appear in the maintenance proceedings pending between the parties at Sasaram.

12. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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