

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64835 of 2024**

Arising Out of PS. Case No.-380 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Md. Wasim Akram Son of Md. Anwar Husain Village- Loknathpur Ganj,
Ward no. 15, Dalsingsarai, P.S.- Dalsingsarai, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shaima Praween Wife of Md. Wasim Akram, Daughter of Md. Rabban R/O
Purani Baja Bakhtiyarpur, Ward no. 18, P.S.- Bakhtiyarpur, Dist.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 05-05-2025 The petitioner and the opposite party no. 2 are present
along with their respective counsels.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 147, 323,
341, 379, 498A, 504, 506/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

3. By 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
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 tried his best to pacify the matter but failed and was hence compelled to file a Divorce Case No. 24 of 2023 before the learned Principal Judge, Family Court, Samastipur and despite notice, the wife (complainant) did not turn up.

6. The application has been opposed by the learned counsel for the opposite party no. 2 by stating that a maintenance case has also been filed by the opposite party no. 2 bearing Misc. Case No. 23 of 2025 which is also pending before the Principal Judge, Family Court, Saharsa and in that case, the petitioner has not appeared.

7. It is undertaken by both the parties to the proceedings that they would appear in the maintenance and divorce cases filed by each other.

8. At this stage, the petitioner offers to give Rs.3000/- (rupees three thousand) per month to opposite party no.2 in the first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in



matrimonial maintenance case or any other collateral proceeding.

9. 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. 380C of 2023, 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.

10. 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 two weeks 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 on two consecutive dates to opposite party no.2, the opposite party no.2 would be at liberty to file cancellation of bail.



11. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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