

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69670 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- MARAUNA District- Supaul

Md. Warish Ali @ Abdul Warish Son of Abdul Rahim Resident of Sirajpur,
P.S.- Marauna, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asmati Begam Wife of Md. Warish Ali, D/O- Late Abdul Kaquam Resident of Sirajpur, P.S.- Marauna, Distt.- Supaul Presently residing at Saroni Punarwas, P.S.- Madhepur, Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Madan Kumar, APP
For Opposite Party No.2	:	Mr. Bal Krishna Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-04-2025 Heard learned counsels for the parties.

2. Earlier, the matter was referred to Mediation and Conciliation Centre, Patna High Court vide order dated 08.01.2025. From perusal of Mediator's Report dated 03.04.2025 it transpires that dispute between the parties could not be settled through the process of mediation.

3. The petitioner, husband of the informant/Opposite Party No. 2, apprehends his arrest in a complaint case registered for the offence punishable under Sections 494, 498A, 354, 323, 341, 342, 379, 504, 506 and 34 of the Indian Penal Code.

4. Allegation against the petitioner is of matrimonial cruelty and of demand of dowry.



5. Learned counsel appearing on behalf of the petitioner submits that the petitioner denies the allegations made in the complaint petition. He never committed torture to informant/Opposite Party No. 2 or demanded any dowry. However, the petitioner undertakes to give Rs. 3,000/- (three thousand rupees) per month by way of temporary relief/solace, starting from this month, to the informant/Opposite Party No. 2.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

7. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give temporary relief/solace of ***Rs. 3,000/- (three thousand rupees) per month to informant/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 learned Additional Chief Judicial Magistrate III, Supaul in connection with Maruana P.S. Case No. 97 of 2023, subject to condition as laid down under Section 438(2) of Cr.P.C. with further following conditions:



“(A.) Informant/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.

(B.) Petitioner would deposit the aforesaid aforesaid amount per month in the saving bank account of the informant/Opposite Party No. 2 .

(C.) In case, the petitioner fails to deposit the aforesaid amount for two consecutive months, the court below would be at liberty to cancel the bail bond.

(D.) 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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