

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.76844 of 2024**

Arising Out of PS. Case No.-693 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE  
District- Samastipur

Md. Nabirul Son of Md. Esmail Resident of Village - Parshuram Bandhar,  
Police Station - Hathauri, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakila Begum Wife of Md. Nabirul, Daughter of Md. Rajjak Resident of Village - Khabas Tola, P.S. - Hasanpur, District - Samastipur

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pratik

For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

4      25-06-2025      Heard learned counsel for the petitioner, learned APP for  
the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 498A, 420, 384 and 342 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 has always been ready to keep the opposite party no.2 with full dignity and honour. It has been submitted on behalf of the petitioner that the marriage dates back to the year 2006 which makes it 18 years of the marriage and even as per the complaint, she has herself admitted that the same has been filed after 16 years of the marriage. It is further submitted that offence under Section 498A would not be made out in the facts of the case. It is actually the opposite party no. 2 who never appeared at the mediation centre and the mediation report also discloses that the mediation process failed due to non-cooperation of opposite party no. 2.

6. Learned counsel for the opposite party no. 2, however, controverts the submissions made by the learned counsel for the petitioner and rather supports the allegations made in the complaint.

7. 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.

8. 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. 693(C) of 2022, 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.

9. 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.

10. Accordingly, this application stands disposed of.

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(Soni Shrivastava, J)

