

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83230 of 2024

Arising Out of PS. Case No.-569 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Yusuf S/o- Late Aminuddin @ Md. Aminuddin Resident of Village- Bara
Shikarpur PS- Abadpur District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anwari Khatoon W/o- Md. Yusuf, D/o- Abutalib Village- Ganjan Ps-Barsoi
Kachna Dist- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Adv.
For the State	:	Mr. Shyam Bihari Singh, APP.
For the O.P. No.2	:	Mr. Najeeb Ahmad, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-04-2025 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 offences punishable under Sections 147, 323, 307, 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and he is husband of the opposite party no.2.

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 Rs. 5 lakh and the consequent torture upon her.

4. It is submitted by learned counsel for the petitioner



that the petitioner is the husband of the opposite party no.2. All the allegations levelled against the petitioner are totally based on concocted facts and as a matter of fact, the petitioner has always been ready to keep his wife with due dignity and honour and it is the opposite party no.2 who is not desirous of staying in her matrimonial house.

5. Learned APP for the State and learned counsel appearing for the opposite party no.2 oppose the prayer for anticipatory bail. Learned counsel appearing for the opposite party no.2 points out by way of counter affidavit that an order has also been passed in Maintenance Case No. 120/2022 in which there was an order for payment of Rs. 7,000/- per month to the complainant and the said order is annexed as Annexure-R/1 to the counter affidavit. It is further submitted that the petitioner has not paid a single penny to the opposite party no.2 as had been ordered in the matrimonial case and he has no knowledge whether the petitioner has challenged the said order or not.

6. In response to the said submission, learned counsel for the petitioner also expresses his ignorance as to the fact whether the said order has been challenged or not, but however, at this point of time, he makes an offer that the petitioner would



make the payment of Rs.4000.00/- (Rupees Four Thousand) per month to the opposite party no.2 in the second week of every month. It is, however, expected that the petitioner would take effective steps in connection with the maintenance case as well.

7. 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 C.A. Case No. 569 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. 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.

9. Learned counsel for the opposite party no.2 is directed to furnish the bank account details of the opposite party no.2 in the learned Court below. If the opposite party no.2 fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the opposite party no.2 after she furnishes her bank account details.



If the petitioner fails to pay the aforesaid amount on two consecutive months, the opposite party no.2 shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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