

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60975 of 2019

Arising Out of PS. Case No.-672 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Abid Ansari S/o- Md. Quaiyum Ansari, Resident of Village- Nayapatti,
Bistoriya, P.S.- Raniganj, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Hamida Khatoon D/o- Late Md. Taiyab Ansari, W/o- Md. Abid Ansari
Resident of Village- Nayapatti, Bistoriya, P.S.- Raniganj, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2019 Heard learned counsel for the petitioner.

The complainant-opposite party no. 2 has not entered appearance in this case.

The petitioner in this case is seeking anticipatory bail in connection with Complaint Case No. 672C of 2017 in which cognizance has been taken for the offence punishable under Section 498A of the Indian Penal Code.

The complainant-opposite party no. 2 has filed a complaint case in the court below alleging that she was married to this petitioner on 20.12.2012 but after marriage when she went to her Sasural, this petitioner along with his family members started subjecting the complainant to cruelty in various ways for demand of dowry. It is alleged that they had ousted the complainant-opposite party no. 2 from their house two years ago, she had



lodged a complaint case in the court that ended in terms of compromise and the complainant was brought to the house of the petitioner but once again she was subjected to cruelty and she was ousted from the residential house with her child.

Learned counsel for the petitioner submits that in fact the allegation of demand of dowry and torture is false, fabricated and baseless. This petitioner lives outside the State for earning his livelihood and the complainant-opposite party no. 2 who was residing in the house developed a love affair with one Md. Wasim Ansari @ Wasim in the absence of the petitioner and that led to some quarrel. In paragraph '12' it is specifically stated that the complainant left her parental house and fled away with Md. Wasim Ansari @ Wasim and had solemnized marriage.

In this regard an affidavit dated 15.01.2019 sworn by Md. Wasim Ansari has been brought on record as Annexure '2' to the present application. In this regard father of Md. Wasim Ansari @ Wasim has also lodged the information petition with the court below. One affidavit of the complainant-opposite party no. 2 has also been brought on record to demonstrate that she has married to said Md. Wasim Ansari @ Wasim .

Since the averments made in the petition are not being controverted and the opposite party no. 2 has chosen not to appear to contest the case, let the petitioner above named in case of his



arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 672C of 2017 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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