

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12161 of 2023

Arising Out of PS. Case No.-578 Year-2020 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

MD. SHAHRUKH SON OF MD. RAHIM R/O VILLAGE-
RAHMANIGANJ, P.S.- KAJRAILI, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BIBI RUKSANA WIFE OF MD. SAHRUKH R/O VILLAGE-
RAHMANIGANJ, P.S.- KAJRAILI, DISTRICT- BHAGALPUR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Rajive Ranjan Singh
For the State	:	Mr.Md. Mushtaque Alam
For the Complaint/OP-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offences under Sections 498(A), 379,
307 of the Indian Penal Code and Sections 3 / 4 of Dowry
Prohibition Act.

3. It is submitted on behalf of petitioner that petitioner
happens to be husband of the complainant and present case has
been lodged due to petty family dispute. There is general and
omnibus allegation of commission of assault and demand of
dowry against petitioner. It is further submitted that petitioner is



ready to keep the complainant, as his wife, with full honour and dignity and as such, he has filed a matrimonial case before the Principal Judge, Family Court, Bhagalpur, vide Matrimonial Case No. 197 of 2020, for restitution of conjugal right. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**.

4. Learned A.P.P. for State opposed the prayer for bail.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 S.D.J.M., Bhagalpur in connection with Complaint Case No. 578 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure

(Prabhat Kumar Singh, J)

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