

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14889 of 2020

Arising Out of PS. Case No.-2433 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Subaid Khan Son of Late Rahman Khan Resident of Hanuman Garh, P.S.-
Town Motihari, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saiya Khatoon Wife of Subaid Khan Resident of Hanuman Garh, P.S.-
Town Motihari, District- East Champaran at present D/O - Late Md. Yakub,
resident of Mohalla - Kachchi Sarai Chakbasu, P.S.- Mithanpura, District-
Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 19-05-2023 Despite valid service of notice, nobody appears on
behalf of Opposite party No. 2.

Heard learned counsels for the parties.

The petitioner apprehends arrest in a case registered
for the offences under Sections 323, 341, 498(A), 504, 406 of
the Indian Penal Code and Section 3 / 4 of Dowry Prohibition
Act.

As per prosecution case, all the FIR named accused
persons including this petitioner tortured and harassed the
informant for non-fulfillment of demand of dowry.

It is submitted on behalf of petitioner that petitioner



happens to be husband of the informant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. 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**. It is further submitted that petitioner has already filed case under Section 281 of Mohammadan Law for restitution of conjugal right in which *ex-parte* decree has been passed.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

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 Sub-Divisional Judicial Magistrate, East Muzaffarpur in connection with Trial No. 2939 of 2019 arising out of Complaint Case No. 2433 of 2018, subject to condition as laid



down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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