

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19430 of 2023

Arising Out of PS. Case No.-561 Year-2021 Thana- COMPLAINT CASE District- Banka

Md Salam S/O Late Md. Kalam R/O Village- Aminpur, P.S- Barahat, Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Bibi Anjum Khatoon W/O Md. Salam, D/O Md. Manjoor R/O Village- Narkatta, P.S- Amarpur, Distt.- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda
For the State	:	Ms. Asha Devi
For the Complainant	:	Mr. Dhananjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-10-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State assisted by learned counsel for the complainant.

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

3. As per the prosecution case, the petitioner along with other co-accused persons assaulted the complainant and ousted her along with her children from matrimonial house due to non-fulfillment of dowry demand of Rs. 1 lakh and a motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. He submits that the petitioner is the husband of the complainant and is ready to keep his wife with full dignity and quite peacefully and has requested the complainant to come back her matrimonial home but she flatly denied to live with the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the complainant opposed prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the complainant is not ready to live with the petitioner, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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. 561 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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