

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33945 of 2022

Arising Out of PS. Case No.-2871 Year-2017 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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MD. FARMAN @ FARMAN Son of Abdul Kayoom Resident of Mohalla -
Purani Chauk Raja Talab in front of Murainavi Maszid, P.S.- Purani Chauk in
the District - Raipur (Chhatisgarh).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savya Parveen @ Chandani Wife of Md. Farman @ Farman Daughter of
Abdul Mazid, Resident of Mohalla - Tinkothiya, Near of Aabeda High
School, Post Office - Ramna, P.S.- Mithanpura, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 19-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 498(A) of
the Indian Penal Code.

The learned counsel for the petitioner submits that by
order dated 20.10.2022, notices were issued upon the O.P. No.
2. It is next submitted that notices were filed in time and from
perusal of the Office Report it would manifest that the brother of
the complainant had received the notice. It is next submitted that
an application of jointness has been filed on 28.04.2023 in



which it has been specifically stated that brother of the complainant resides with his father where the complainant presently is residing. The learned counsel next submits that the complainant despite being aware that notices have been issued in the present case choses not to appear to contest the case.

The learned counsel next submits that even when the matter was before the learned District Court, there also the matter was referred for mediation but the complainant chose not to appear. It is next submitted that marriage of the petitioner with the complainant was solemnized in the year 2015 and the allegation of demand of dowry of Rs. 1,00,000/- along with a motorcycle and for non-fulfillment of the same, it is alleged that she was tortured and ousted from her matrimonial home. The learned counsel submits that petitioner has been falsely implicated rather the complainant had deserted him or else she would have appeared in the mediation proceeding or before this Court.

It is next submitted that since, the complainant despite being aware of the notice which was received by her brother, she choses not to appear before this Court when the petitioner is willing to keep the complainant with dignity and honour provided she comes back, as such, the petitioner deserves



anticipatory bail.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Muzaffarpur P.S. Case No. 2871 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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