

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38062 of 2023

Arising Out of PS. Case No.-392 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

Md Nahir Raza, S/O Hamidur Rahaman @ Abdul Hamid, R/O Village-
Chakla, P.S- Shadipur Butha, Dist.- Purnia

... .. Petitioner

Versus

1. The State of Bihar
2. Nazmin Khatoon, D/O Md Iliyas, R/O Village- Suguamahanandpur, P.S.-
Baisi, P.O- Puranaganj, Dist.-Purnia. At Present- R/O Mohalla- Musallapur
Hatt, Shahganj P.S.- Sultanganj, Dist.- Patna

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mani Shankar Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the O.P. No. 2	:	Mr. Mazhar Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 392(c) of 2021 in which cognizance has been taken for the offence punishable under Section 498A of the Indian Penal Code. The petitioner has no criminal antecedent.

3. As per the prosecution story, the complainant was married to the petitioner on 21.02.2019 as per the Muslim law. After few months of marriage, the family of the petitioner started demanding one four wheeler car along with Rs.10,00,000/- for opening a clinic. On 08.07.2019 the accused



and the complainant got registered their marriage before the Marriage Officer, Patna. On 22.11.2020, the petitioner assaulted the complainant and asked her to fulfill his demand. Thereafter, a Panchayti was also managed but the petitioner ignored that and threatened to face the grave consequence.

4. Learned counsel for the petitioner has taken a stand that there was no valid marriage between the petitioner and the complainant, however, learned counsel for the complainant submits on the strength of a certificate of marriage issued by the Marriage Officer, Patna under the Special Marriage Act that the petitioner had performed marriage with the complainant on 8th July, 2019 in presence of the Marriage Officer.

5. It is alleged that the petitioner and his family pressurized the complainant to fulfill demand of dowry and for that the petitioner had started giving beatings to the complainant and stopped providing her food and clothes.

6. At this stage, learned counsel for the petitioner submits that since the petitioner has raised a question as to validity of the marriage, subject to such contention of the petitioner, he is ready to pay a sum of Rs.3,000/- per month for the present to the complainant to show his bonafides and this would be subject to result of the maintenance case which has



been brought by the complainant.

7. Learned counsel submits that the petitioner has already been served with a notice in the said case and he will appear in the maintenance case very soon.

8. Having regard to the offer made by the learned counsel for the petitioner, learned counsel for the complainant submits that he would not oppose the prayer for anticipatory bail of the petitioner, subject, however, to the payment of a sum of Rs.3,000/- per month.

9. In the aforesaid view of the matter, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Complaint Case No. 392 (C) of 2021 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 Judicial Magistrate, 1st Class, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. And further condition that in terms of his own offer, he will pay a sum of Rs.3,000/- per month during first ten days of every month in the bank account of the complainant subject to order of any competent court in an appropriate proceeding. Breach of this condition shall invite action towards cancellation of bail bond of the petitioner.

12. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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