

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37237 of 2023

Arising Out of PS. Case No.-519 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

NAJMUL ISLAM SON OF ABUL HUSSAIN RESIDENT OF VILLAGE -
SHIVA NANDPUR, P.S. - ABADPUR, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SAHNAJ PRAVEEN WIFE OF NAJMUL ISLAM DAUGHTER OF
MOJIBUR RAHMAN, RESIDENT OF JIYAAR, P.S. - ABADPUR,
DISTRICT - KATIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Nirmala Kumari, APP
For the O.P. no. 2	:	M/s Md. Ziaul Quamar Md. Manzer Karim, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-08-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.

2 – complainant who appears *suo motu*.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 519 of 2020 instituted under sections
498A, 406 and 34 of the Indian Penal Code and section 4 of the
Dowry and Prohibition Act.

3. The allegation in the complaint from which the
instant application for bail arises is of torture and demand of
dowry.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of being the husband of the complainant. It is the complainant who deserted the petitioner which led the petitioner filing a suit for restitution of conjugal rights on 3.3.2020 which was registered as Matrimonial Case no. 94 of 2020 in the Court of Principal Judge, Family Court, Katihar. It was only subsequent thereto on 16.3.2020, that the instant complaint case was filed. The fact that the petitioner is ready to settle the matter and reside along with the complainant, his wife, is evident from the filing of the suit for restitution of conjugal rights itself. The petitioner has no criminal antecedent.

5. Learned counsel appearing for the opposite party no. 2 submits that the opposite party no. 2 is also ready to reside with the petitioner and is ready to settle the disputes.

6. In view of the above, the opposite party no. 2 shall appear in Matrimonial Case no. 94 of 2020 in the Court of Principal Judge, Family Court, Katihar before the next date on which the learned court below shall take steps in the matter in accordance with law.

7. In view of the facts and circumstances stated hereinabove, the submissions made on behalf of the parties



together with the petitioner not having any criminal antecedent and specially the instant complaint having been filed on 16.3.2020 subsequent to the filing of the Matrimonial Suit on 3.3.2020, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 519 of 2020 on furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Katihar.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

