

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39085 of 2022

Arising Out of PS. Case No.-157 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SHAH ALAM SON OF SHEIKH REYAJU R/O VILLAGE-
PURSHOTAMPUR, P.S.- CHHAURADANO, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAISHA KHATOON D/O LATE SHEIKH AMRUL R/O VILLAGE- KHAP
GHIURA, P.S.- RAMPUR, DISTRICT- RAUTHAT (NEPAL)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Abhishek Kumar, Adv.
For the Opposite Party/s :	Mr.Surendra Kumar, APP.
	Mr. Rajesh Kumar Dubey, Adv.
	Ms. Kumari Arunima, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498-A, 323 of the Indian Penal Code and $\frac{3}{4}$ of the D.P. Act.

Petitioner is said to have tortured upon her physically and mentally and ousted the her from her matrimonial home in association of his family members over the dowry demand.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the complainant is not legally wedded wife of the petitioner. She has no legal status of being wife of the petitioner. She has filed this case only to extort money from the petitioner. She has already solemnized marriage with another boy of Nepal and they are living happily together. He further submits that petitioner is a married person and has six children from his wife and they are living together in his native village. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the Opposite Party No.2 vehemently opposing the bail petition submitted that a maintenance case has already been filed in Family Court, in which it was directed to the petitioner to pay Rs. 4,000/- (Rupees Four Thousand) per month to the Opposite Party No.2 but not a single penny has been given by the petitioner to the Opposite Party No.2 till now.

Considering the facts and circumstances of the case as well as arguments of the parties and perusing the material available on record, 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. 157 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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