

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49981 of 2022

Arising Out of PS. Case No.-447 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Md. Mustakim Ahamad @ Mustakeem @ Md. Mustakeem S/O Mojahir @
Mojahir Ansari @ Md. Mojahir Ansari @ Md. Mojahir Resident of Village-
Dakshin Tola, Kajidara Puraini, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ishrat Praveen W/O Md. Mustakim Ahamad @ Mustakeem @ Md.
Mustakeem D/O Md. Shamsul Resident of Village- Barhi Rahua, Ward No-
02, P.S.- Bihariganj, O.P.- Manjaur, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 25-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 447 of 2019 registered for the
offences punishable under Sections 323, 498A and 34 of the
Indian Penal Code read with Sections 3/4 of the Dowry
Prohibition Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and being husband
he has been falsely implicated in the present case, it is next
submitted that an application for jointness has been filed as the



notice was received by the *bhabhi* of the informant with whom she is staying presently as such notice was treated to be validly served.

4. Learned counsel for the petitioner next submits that petitioner right from the outset is taking a plea that he is willing to revive his conjugal relationship but the informant for reasons best known is not willing to accompany him as such it appears that she is not even contesting the case. It is further submitted that it is not a fact that informant is starved of money because her parents and brother are well off. It is next submitted that petitioner is learning tailoring and is assisting a tailor as such does not have any proper income of his own as a result of which the informant does not want to accompany him and as such she is not even appearing in the case.

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

6. 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 Court below 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 court below where the case is pending/successor court in connection with Complaint Case No. 447 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the informant would be at liberty to file an application seeking cancellation of the anticipatory bail order of the petitioner, in the event, if she finds that petitioner had obtained bail by misrepresenting before this Court by submitting that he is assisting a tailor and thus is not having a proper income.

8. Let a copy of this order be communicated to the informant through the learned trial court.

(Satyavrat Verma, J)

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