

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62349 of 2023

Arising Out of PS. Case No.-2651 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Aftab Alam Ansari S/O Late Monauwar Hussain Village Ratan Sarai
(Ratansareya) Tola Surwal (Surwali) P.S Barauli, District Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shabnam Khatoon Wife Of Aftab Alam Ansari, D/O Sohrat Hussain Village-
Mohanpur, Ps- Barauli, Dist- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-10-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 498(A) of
the Indian Penal Code.

3. The prosecution case, in brief, is that earlier the
marriage of the complainant was solemnized with the petitioner
and the petitioner along with co-accused used to torture the
informant mentally and physically due to non-fulfillment of
dowry demand of Rs. Two lakhs and also assaulted her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner is husband of the complainant due to which he has falsely been implicated in the present case. Earlier to this bail petition, the petitioner was granted anticipatory bail by learned court below vide order dt. 18.8.2022 with condition that he will keep his wife with full dignity or he will pay Rs. 6,000/- (Six thousand) per month as maintenance to the complainant, failing which, his bail bond will be cancelled. During hearing of the said bail application, the complainant agreed to live with the petitioner but thereafter she returned her paternal house with her belongings and when the petitioner failed to pay the maintenance, his bail bond was cancelled. Now, the petitioner is suffering from Kidney problem and his treatment is going on in AIIMS Delhi, as such he can not able to deposit the maintenance to the complainant but he still ready to keep his wife/complainant with full dignity and honour. It is further submitted that the petitioner has got no criminal antecedent and he is languishing in judicial custody since 22.6.2023.

5. Learned APP appearing for the state and learned counsel for the complainant have vehemently opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined



to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 2651 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XVI, Gopalganj.

(Sunil Kumar Panwar, J)

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