

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62373 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- DIGHALBANK District- Kishanganj

Md. Salman Alam @ Salman Alam @ Raja @ Salman, Son Of Salimuddin
Resident Of Village - Kharibasti Mustafaganj, P.S. - Dighanbank, District -
Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Khushbu Praween Ansari, Wife Of Md. Salaman Alam @ Salman Alam @ Raja @ Salman, Resident Of Village - Kharibasti, P.S. - Dighanbank, District - Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2023 Heard Mr. Amal Kumar Sinha, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Dighalbank P.S. Case No. 84 of 2023, registered for the
offences punishable under Sections 341, 323, 498(A), 504, 506
and 34 of the Indian Penal Code and under section 3/4 of the
Dowry Prohibition Act and under 66(E) of the I.T. Act.

3. It is alleged that the petitioner by trapping the
opposite party no. 2 in love affair, solemnized marriage with her
about two years ago. However, just after the marriage the
petitioner started demanding Rs. 3,00,000/- lakhs and also



tortured in various ways. Panchayati was also held but the petitioner did not honor the undertakings given before the Panchayat. The opposite party no. 2 after having been succumbed to the torture, started living in the house of her relatives, thereupon this petitioner also threatened her with dire consequences and made some personal photographs viral on the social media.

4. It is submitted on behalf of the petitioner that from the FIR it would be evident that there was a love marriage but because of differences cropped up between the parties, the present FIR has been instituted, moreover, the petitioner has always been ready to keep the opposite party no. 2 as his wife with all honor and dignity but, it is the opposite party no. 2 who left the matrimonial home without any justifiable reason. He next submitted that the general and omnibus allegation has been leveled and no specific instances of accusation has been made.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that it is not the case of only matrimonial dispute rather some other allegation has been leveled showing the criminal behavior of the petitioner.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that despite valid service of notice issued to the opposite party no. 2, she did not enter her appearance coupled with the general and omnibus allegation and the willingness of the petitioner that he is ready to keep the opposite party no. 2 as his wife, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Kishanganj in connection with Dighaljanj P.S. Case No. 84 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner and that the petitioner will not indulge in any kind of criminal activities of threatening or assaulting the opposite party in any manner. In case of such event the opposite party no. 2 would be at liberty to file application for cancellation of his bail.

(Harish Kumar, J)

supratim/-

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

