

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5209 of 2024**

Arising Out of PS. Case No.-22 Year-2014 Thana- NAUGACHIA MAHILA P.S. District-  
Bhagalpur

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Md. Sahadat @ Kalu @ Md. Sahadat Khan Son Of Md. Sakmul Resident Of  
Village - Maniya Mor, P.S. - Naugachia, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shama Khatun Daughter Of Munna Khan C/O. Md. Sohab Khan, Resident  
Of Village - Laxmipur, Lalchand, P.S. - Bihariganj, District - Madhepura

... .. Opposite Party/s

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**Appearance :**

|                    |   |                                                                   |
|--------------------|---|-------------------------------------------------------------------|
| For the Petitioner | : | Mr. Kamlesh Kumar Pathak, Advocate<br>Mr. Santosh Kumar, Advocate |
| For the State      | : | Mr. Umeshanand Pandit, APP                                        |
| For the O.P.2      | : | None                                                              |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      20-06-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State. Despite valid service of notice, nobody  
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,  
apprehends his arrest in a case registered for the offences under  
Sections 498(A), 341, 323, 504, 506, 354A/34 of the Indian  
Penal Code and Section 3 / 4 of the Dowry Prohibition Act.

3. As per prosecution case, the opposite party no. 2 was  
married with this petitioner in the year 2013 and sometime  
after the marriage, she was subjected to torture and harassment  
by this petitioner and other in-laws family members due to



non-fulfillment of Rs. 2 lac cash and one motorcycle, as dowry, and ultimately, she was ousted from her matrimonial house.

4. Learned counsel for the petitioner, while denying the allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the opposite party no. 2. Learned counsel further submits that opposite party no. 2 has already solemnised second marriage with on Md. Ansar and presently, she is living with him and does not want to further proceed with the case. To this effect, a joint compromise petition has already been filed in the learned Court below. Copy of Talaknama is at Annexure 2 and joint compromise petition is at Annexure – 3 respectively. Moreover, the case is triable by the Magistrate. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Naugachia (Bhagalpur) in connection with Naugachia (Mahila) P. S. Case No. 22 of 2014, subject to the conditions, as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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