

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12203 of 2024

Arising Out of PS. Case No.-799 Year-2017 Thana- FORBESGANJ District- Araria

Md. Riyaz @ Riyaj @ Bhutto S/O Md. Moin @ Md. Moim R/O Village-
Haldia, Ward No.11, Hardia, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Khatoon w/o- Md. Riyaz @ Riyaj@Bhutto, r/o- vill- Haldia, ward
No.- 11, Ps- Simraha (forbesganj), Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Naushaduzzoha, Adv.

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-09-2024 Despite valid service of notice, no one appears on
behalf of the Opposite Party No. 2.

2. Heard learned counsel for the petitioner and learned
counsel for the State.

3. The petitioner apprehends his arrest in connection with
Forbesganj (Simraha) P.S. Case No. 799 of 2017 offences
punishable under Sections 323, 498A and 341 of the Indian
Penal Code.

4. As per prosecution case, the marriage of
informant/opposite party No. 2 was solemnized with this
petitioner 16 years ago, and from her wedlock, she was blessed
with five children. But subsequently, this petitioner along with



the accused persons started demanding dowry, and due to non-fulfillment of the same, they assaulted and tortured her physically and mentally. On 17.10.2017, informant was ousted from the matrimonial house.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner happens to be husband of the complainant and present case has been lodged due to petty family dispute. Allegation of assault and demand of dowry is general and omnibus. It is further submitted that petitioner is ready to keep the complainant/opposite party no. 2, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar***, reported in **2006(3) PLJR 182**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of Chief Judicial
Magistrate, Araria in connection with Forbesganj (Simraha) P.S.
Case No. 799 of 2017, subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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