

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13858 of 2024

Arising Out of PS. Case No.-1808 Year-2022 Thana- COMPLAINT CASE District- Araria

MD. ARIF SON OF MD. TABARAK RESIDENT OF VILLAGE -
JANKINAGAR, P.S. - JANKINAGAR, DISTRICT - PURNEA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. JAHANA WIFE OF MD. ARIF, DAUGHTER OF MD. GULAB
RESIDENT OF VILLAGE - SIRSIYA, HANUMANGANJ, WARD NO.03,
POST - MAHATHAWA BAZAR, P.S. - BHARGAMA, DISTRICT -
ARARIA. AT PRESENT DAUGHTER OF MD. GULAB, RESIDENT OF
H 641, H BLOCK, J.J. COLONY, SHAKURPUR, SARSWATI BIHAR,
NORTH WEST DELHI - 110034

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mr. Arbind Kumar Pandey, APP
For Opposite Party No.2	:	Mr. Nadimul Hasan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends arrest in a case registered
for the offences punishable under Section 498A of the Indian
Penal Code.

3. Allegation against the petitioner is of matrimonial
cruelty and of demand of dowry.

4. It is submitted on behalf of petitioner that petitioner
happens to be husband of the complainant and present case has
been lodged due to petty family dispute. There is general and
omnibus allegation of commission of assault against him. As a



matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is ready to keep the complainant, 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**. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that there is specific accusation against this petitioner of harassing the complainant due to non-fulfillment of demand of dowry.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, 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 learned Judicial Magistrate - 1st Class, Araria, in connection with Complaint Case No. 1808 C of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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