

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18677 of 2024

Arising Out of PS. Case No.-738 Year-2004 Thana- COMPLAINT CASE District- Supaul

Abdul Rajique @ Abdul Rajeeq Son of Abdul Gafur Resident of Village-
Surpatganj, Ward No. 03, Post- Madhopur Pariahi, P.S.- Chhatapur, District-
Supaul, Pin-852137

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Fulo Jahan D/o of Md. Idris Marhum Wife of Abdul Rajique, Resident
of Village and P.O.- Inderpur,P.S.- Chhatapur, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pranav Kumar, Advocate
For the State	:	Mr. Sucheta Yadav, APP
For Opposite Party No.2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-08-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the Opposite Party No. 2.

3. From perusal of Office Note dated 14.06.2024 it
appears that during pendency of this case, the
complainant/Opposite Party No. 2 has already died.

4. The petitioner apprehends arrest in a complaint
case registered for the offences punishable under Sections 323,
379, 504, 498A and 34 of the Indian Penal Code and Sections 3
and 4 of the Dowry Prohibition Act.

5. Allegation against the petitioner is of matrimonial



cruelty and of demand of dowry.

6. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and denies the prosecution case and submits that earlier also one complaint case bearing Complaint Case No. 676(C) of 2000 was lodged by the complainant, which was compromised between the parties. It is further submitted that out of the wedlock, the petitioner and complainant were blessed with three children and all of them are living with this petitioner. The present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against this petitioner. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. Petitioner claims clean antecedents.

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

8. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.

9. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of six 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 Sub Divisional Judicial Magistrate, Supaul, in connection with Complaint Case No. 738 of 2004, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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