

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19252 of 2024

Arising Out of PS. Case No.-553 Year-2021 Thana- COMPLAINT CASE District- Jamui

Md Sabir Ali @ Sabir Ali Khan @ Md Sabir Son of Md. Idrish Resident of
vill.-Sahpur, P.S.-Jamui, Distt.-Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahin Khatoon Wife of Sabir Ali Khan Resident of Village- Sahpur, P.S.-
Jamui, Distt.- Jamui. At present daughter of Md. Ainul, resident of Village-
Bhachhiyar, P.S.- Jamui, Distt.- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP
For the O.P. No. 2	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 26-10-2024 Heard Mr. Pramod Kumar, learned counsel for the

Petitioner and Mr. Amrendra Kumar, learned counsel for the

Informant and Mr. Pradeep Narain Kumar, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 553C of 2021 registered for the
offences punishable under Section 498 (A) of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

3. The main submissions advanced by learned counsel
appearing for the petitioner are that in between both the spouses
(petitioner and O.P. No. 2), conciliation efforts have been made
by learned mediator and the same went futile even then the



petitioner is still ready to keep his wife and his two children who are presently residing with the complainant (O.P. No.2). It is further submitted that both the spouses have earlier arrived at compromise at women's helpline center and also made a compromise petition with their signature but even then the complainant did not take any steps to reside in the company of the petitioner. It is further submitted that there is no any medical evidence to prove the alleged physical cruelty and the marriage of the complainant with this petitioner took place in the year 2015 and the case was filed by the petitioner's wife in the year 2021 after begetting two children.

4. On the other hand, learned counsel appearing for the O.P. No. 2 has vehemently opposed the bail prayer of the petitioner and submitted that on account of the conduct of the petitioner, the O.P. No.2 has apprehension of her life in residing in the company of the petitioner, due to this reason, she is not agree to reside with him and further, the O.P. No.2 and her two children are not being cared by this petitioner and no any kind of maintenance is being given to them.

5. Considering the facts and circumstances of this case as well as above submissions and mainly the facts that the marriage of the petitioner with the O.P. No.2 took place in the



year 2015 and thereafter, two children have taken birth from their conjugal relationship and there is no medical evidence with regard to the alleged physical cruelty, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Complaint Case No. 553C of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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