

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29362 of 2024

Arising Out of PS. Case No.-1707 Year-2020 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

MD. MOINUDDIN S/O MD. MAKSUD R/O VILLAGE- SUSTA
MADHOPUR, P.S- MANIYARI, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MOZIMA KHATOON W/O MD. MOINUDDIN, D/O MD. AHMAD R/O
VILLAGE- ABDUL NAGAR @ MADHOPUR, P.S- AHIYAPUR, DISTT.-
MUZAFFARPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Rajendra Singh, APP
For Opposite Party No.2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 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. The petitioner apprehends arrest in a complaint
case registered for the offences punishable under Sections 323,
225, 498A and 34 of the Indian Penal Code and Sections 3 and 4
of the Dowry Prohibition Act.

4. The prosecution case in brief is that the the
complainant/Opposite Party No. 2 was married with this
petitioner in the year 2016 as per Muslim rituals and thereafter,



this petitioner, along with other accused persons, started demanding dowry and due to non-fulfillment of the same, they subjected the complainant to cruelty and torture and lastly on 20.08.2020, she was thrown out of her matrimonial house with her two children.

5. Learned counsel appearing on behalf of petitioner denies the prosecution case and submits that petitioner happens to be husband of the complainant/Opposite Party No. 2 and no offence as alleged has ever taken place. Rather, the complainant/Opposite Party No. 2 has herself deserted the petitioner and started residing at her parental house with her two children. It is further submitted that the complainant has also solemnized married with one Jasan Md. Sekh on 30.12.2023. Petitioner claims clean antecedents.

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

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

8. 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 S.D.J.M. (East), Muzaffarpur, in connection with Complaint Case No. 1707 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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