

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33389 of 2024

Arising Out of PS. Case No.-843 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md Sakil @ Sakim @ Md. Sakim Son of Md. Lokman R/O Vill.- Chhatia
Post Bhatgama, Ranipatra Harka, P.S.- Hasanganj, Dist.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nusrat Khatoon D/O Md. Islam R/O Village- Raniganj Dokhra, P.S.- Kadwa,
Dist.- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-08-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State. Despite valid service of notice,

nobody appears on behalf of opposite party no. 2.

2. The petitioner, husband of the victim,

apprehends his arrest in a complaint case punishable for the

offence under Section 498 (A) of the Indian Penal Code and

Section 4 of Dowry Prohibition Act.

3. As per complaint, the complainant solemnized

marriage with this petitioner in the year 2018 and after the

marriage, when she went to her matrimonial house, she was

subjected to torture and cruelty by this petitioner and other in-

laws family members due to non-fulfillment of demand of



dowry and lastly, she was ousted from her matrimonial house .

4. Learned counsel for the petitioner, while denying the allegations made in the Complaint, submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the victim. However, he is ready to keep the victim with full honour and dignity. He further submits that complainant did not want to live with the petitioner and in this regard petitioner has filed a matrimonial case i.e. T. S No. 41 of 2019 for dissolution of marriage . Moreover, the case is triable by the learned Magistrate . The petitioner has further relied upon the 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 antecedent.

5 . Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, 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 the learned Sub Divisional Judicial Magistrate Katihar in connection with C A Case No. 843 of 2020, subject to the conditions, as laid down under Section 438(2) of the Code of



Criminal Procedure .

(Prabhat Kumar Singh, J)

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