

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33948 of 2024

Arising Out of PS. Case No.-1140 Year-2019 Thana- BUXAR COMPLAINT CASE District-
Buxar

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1. IBRAR ALI @ IBRAR RAJAK SON OF ASIN ALI @ ASIN RAJAK @ ASIN MIYA RESIDENT OF VILLAGE - NONAR, P.S. - RAMGARH, DISTRICT - KAIMUR AT BHABUA
 2. ASIN ALI @ ASIN RAJAK @ ASIN MIYA SON OF BISMILLAH RESIDENT OF VILLAGE - NONAR, P.S. - RAMGARH, DISTRICT - KAIMUR AT BHABUA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. TAMANA KHATOON WIFE OF IBRAR ALI @ IBRAR RAJAK AT PRESENT ADDRESS VILLAGE - BHAGWANPUR, P.S. - RAJPUR, DISTRICT - BUXAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Pawan Kumar Singh, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 10-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State. Despite valid service of notice, nobody appears on behalf of opposite party no. 2.

2. The petitioners apprehend their arrest in a complaint case punishable for the offence under Section 498A of the Indian Penal Code.

3. Allegation against petitioners is of matrimonial cruelty and demand of dowry. Petitioner no. 1 is husband of complainant/opposite party no. 2, whereas petitioner no. 2 is her father-in-law.



4. While denying the allegations made in the complaint petition, learned counsel for the petitioners submits that petitioners have been falsely implicated. Petitioners never committed any torture with opposite party no. 2 or demanded any dowry, however, petitioner no. 1 is still ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned Magistrate. The petitioners have 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*.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of eight weeks from today, let this petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Buxar in connection with Complaint Case No. 1140 of 2019, 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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