

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38386 of 2024

Arising Out of PS. Case No.-1349 Year-2022 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

Md. Ali Hussain @ Ali Hussain Son Of Amin Miyan Resident Of Village -
Basudeopur Sarai, Police Station - Sahebganj, District - Muzaffarpur, Mobile
No. 7488665167

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Naim Miyan Son Of Md. Jan Resident Of Village - Dewariya, Baliya
Tola Ward No. - 14, P.S. - Dewariya, District - Muzaffarpur
3. Reshma Khatoon Wife Of Md. Ali Hussain @ Ali Hussain, Daughter Of
Naim Miyan Resident Of Village - Dewariya, Baliya Tola Ward No. - 14,
P.S. - Dewariya, District - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State, Mr. Rabindra Kumar.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 307, 498A of the Indian Penal Code and Sections
3 and 4 of the Dowry Prohibition Act.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 27.09.2024, it would
manifest that ordinary notice has been received by O.P. No. 2
and registered notice has been received by mother of O.P. No. 3.



Since the notices has been received by O.P. No 2 and the mother of O.P. No. 3, as such, the notice is deemed to have been validly served.

4. The learned counsel appearing on behalf of the petitioner submits that O.P. No. 2 is father of the wife of the petitioner, who is the complainant and O.P. No. 3 is the wife of the petitioner. It is next submitted that complainant alleges that his daughter was married to petitioner on 12.12.2017, his daughter spent a happy married life for one year and out of the wedlock, a son was born but thereafter the accused persons started demanding dowry of Rs. 4 lacs for doing business, further on account of non-fulfilment of the demand, the accused persons including the petitioner on 09.08.2022, tried to immolate her by pouring kerosene oil but she was rescued and finally ousted her from her matrimonial home.

5. The learned counsel submits that petitioner being husband has been falsely implicated in the instant case by the complainant. It is next submitted that the complaint case had been instituted not by the wife of the petitioner but by his father-in-law. It is also submitted that it is because of his father-in-law that the relationship in between the petitioner and the O.P. No. 3 deteriorated. It is next submitted that petitioner had gone to the



parental home of the O.P. No. 2 to fetch her back to her matrimonial home but then she was not willing to accompany the petitioner, as would manifest from the certificate dated 01.06.2023 issued by the Sarpanch and also from the pleader notice dated 11.08.2022, (*Annexure-3* series).

6. It is further submitted that O.P. No. 2 does not allow the petitioner to meet the child even. It is next submitted that petitioner has come to know that O.P. No. 3 is residing in Delhi and has performed her second marriage and this perhaps explains why the O.P. No. 2 despite receiving notice chooses, not to appear and contest, when he is the complainant and has received the notice personally.

7. The learned APP for the State, Mr. Rabindra Kumar opposes the anticipatory bail application.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Smt. Rupa Raj, Court No. 1 of Judicial Magistrate, 1st Class, Muzaffarpur (West) in connection



with Complaint Case No. 1349C of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. However, the O.P. No. 3 shall be at liberty to file an application, seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if she has not performed her second marriage, the learned trial court is directed to hand over a copy of order to the learned counsel appearing on behalf of the O.P. No. 3 for her perusal.

10. **The application stands allowed.**

(Satyavrat Verma, J)

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