

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36885 of 2024

Arising Out of PS. Case No.-1667 Year-2022 Thana- SIWAN COMPLAINT CASE District-
Siwan

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MOHAMMAD WASIV @ MOHD. WASIB SON OF SAMIULLAH @
MOHAMMAD SAMIULLAH RESIDENT OF VILLAGE - HARIHANS,
P.S. - HUSSAINGANJ, DISTRICT - SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHAHIN KHATOON @ SAHINA KHKATOON WIFE OF MOHAMMAD
WASIV @ MOHD. WASIB, DAUGHTER OF SHAHABUDDIN SAI
RESIDENT OF VILLAGE - KARAMASI, POST - ARANDA, P.S. - M.H.
NAGAR HSAANPURA, DISTRICT - SIWAN

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bijay Prakash Singh, Advocate
For the State	:	Ms. Sucheta Yadav, APP
For Opposite Party No.2 :		N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-08-2024 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 Section 498A
of the Indian Penal Code.

4. The case of the complainant in short is that she
solemnized marriage with this petitioner on 07.03.2016
according to Muslim rites and rituals and after marriage, she



went to live at her matrimonial house. Thereafter, all the accused persons, including this petitioner, started demanding dowry of Rs. 1,00,000/- and due to non-fulfillment of the same, they subjected her to torture and harassment.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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 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 Judicial Magistrate, 1st Class, Siwan, in connection with Complaint Case No. 1667 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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