

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48379 of 2024

Arising Out of PS. Case No.-1674 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

Nazir Alam S/o Cafeulah Alam R/o Village- para purnia siswa panchayat,
police station- routa, district-Purnia

... .. Petitioner

Versus

1. The State of Bihar
2. Nikhat Praveen D/o Juber Alam R/o Village Phulwari Majhok Panchayat,
P.S.-Ruata, District-Purnea

... .. Opposite Partys

Appearance :

For the Petitioner	:	Mr. Vikram Singh, Advocate
For the State	:	Mr. Sangeeta Sharma, APP
For the O.P. No.2	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1674 of 2022, registered
for the offences punishable under Sections 498A and 323 of the
Indian Penal Code.

3. As per the allegation, the marriage of the
Complainant was solemnized with Petitioner in January, 2016.
The accused persons including the Petitioner subjected the
Complainant/Wife to cruelty on account of non fulfillment of
demand of dowry.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that he is willing to keep the Complainant/Wife with himself but she is not willing to live with him. But, on account of matrimonial discord, this false case has been filed.

5. Learned counsel for the Complainant/Wife submits that the husband/Petitioner has entered into second marriage and it is not possible for her to live with him in such situation. Hence, she is living separately with her minor daughter but he is not giving any maintenance to her or her children.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class, Purnia in connection with Complaint Case (C.A) No. 1674 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

10. In view of the alleged facts and circumstances, it appears that it is a case of matrimonial dispute and it would be better for the Complainant to move Family Court for maintenance for herself and her daughter. She can also seek other matrimonial relief as per law.

(Jitendra Kumar, J.)

Chandan/-

U		T	
---	--	---	--

