

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47976 of 2024

Arising Out of PS. Case No.-2121 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

Hasibur Rahman S/o Late Saidur Rahman R/o Village-Harishpur,P.S.-Rautara,
Distt-Katihar

... .. Petitioner

Versus

1. The State of Bihar
2. Aameena Khatun W/o Hasibur Rahman, D/o Sikandar Ali R/o Village-Harishpur, P.S.-Rautara, Distt-Katihar Presently residing at R/o Village-Bhodu Tola,P.S.-Rautara, Distt-Katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 17-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with C.A Case No.2121 of 2022, filed for the offence punishable under Section 498(A), 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. As per allegation, the complainant was the third wife of the Petitioner/Husband and the marriage was solemnized after giving dowry of Rs. 85,000/- and thereafter again there was demand of Rs. 2.5 lacs for purchasing land which she paid to her husband/Petitioner but he purchased the land in the name of his mother which was protested by the Complainant on



account of which she was confined to a room and was also beaten and there was again demand of additional Rs. 2.5 lacs from her. There was also attempt to kill the Complainant by throwing kerosene on her and she was ousted from her matrimonial home along with her minor daughter.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of non-working of the marriage, this false Complaint Case has been lodged by the Petitioner. He further submits that another false case bearing Rautara P.S. Case No. 3 of 2024 has been filed, in which he has been granted anticipatory bail. He further submits that cognizance of offence punishable only under Section 498A and Section 3 and 4 of the Dowry Prohibition Act has been taken, for which maximum punishment prescribed is three years.

5. 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.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has been made accused in one other case.

7. However, Ld. APP for the State vehemently



opposes the prayer of the Petitioner for bail.

8. 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. S.D.J.M. Katihar, in connection with C.A Case No.2121 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.

(Jitendra Kumar, J.)

Harshita/-

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

