

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47907 of 2024

Arising Out of PS. Case No.-894 Year-2019 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ahmad Ali Son Of Niyamat Ali Village- Chhota Amba, P.S.- Nirasa, Distt.-
Dhanbad Petitioner/s

Versus

1. The State Of Bihar
 2. Tabassum Naz Wife Of Ahmad Ali Village- Badahi Baigha, P.S.- Hisua,
Distt.- Nawada
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the State	:	Ms. Indu Kumari Srivastava, APP
For the Informant	:	Mr. Vishwa Ranjan Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 894 of 2019 dated
16.08.2019, filed for the offences punishable under Sections
341, 323 and 498A of the Indian Penal Code and under Section
3 of Dowry Prohibition Act.

3. As per the allegation, on account of non-fulfillment
of demand of dowry, the petitioner has subjected the
complainant-wife to cruelty after marriage.

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 matrimonial discord,
marriage is not working and complainant-wife is living



separately along with her minor daughter. He further submits that petitioner is willing to keep her but she does not want to live with him. He further submits that the maximum punishment as per the alleged offence is 3 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 no criminal antecedent.

7. However, learned counsel for the complainant and learned APP for the State vehemently oppose the prayer of the petitioner for bail submitting that the husband-petitioner is not taking his wife and the minor daughter from the parental home of the complainant-wife to keep them in his matrimonial home and he is also not paying any maintenance amount to his wife and minor daughter.

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., Nawada in connection with Complaint Case No. 894 of 2019, 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 bond 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.

9. It appears from the facts and circumstances that marriage is not working between the parties on account of matrimonial discord. Wife-complainant has already moved Family Court for maintenance. The wife-complainant has liberty to move for interim maintenance during pendency of the maintenance petition.

(Jitendra Kumar, J.)

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