

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48908 of 2024

Arising Out of PS. Case No.-623 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Farhan Hussain Son of Anwar Hussain R/O Vill.- Tikiya Tola, P.S.-
Khajekalan, Dist.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Tarannum Begum Daughter of Marhum Ali Hasan R/O Vill.- Barkat Kha Ka
Akhara Mogalpur, P.S.- Khajekalan, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Chandra, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, Advocate
For the Informant	:	Mr. Azimuddin, Advocate
		Mr. Sunil Kumar Singh, Advocate

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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 present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Patna
Complaint Case No. 623 of 2022, filed for the offences
punishable under Section 498A read with Section 34 of the
Indian Penal.

3. As per the allegation, there was demand of
additional dowry and on account of non-fulfillment of the same,
the complainant/wife has been subjected to cruelty by the
petitioner-husband and other family members and she has been



ultimately ousted from the matrimonial home.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no truth in the allegation and the petitioner still wants to keep his wife in his matrimonial home.

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 petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State and learned counsel for the O.P. No. 2 submit that the petitioner has subjected the complainant/wife to cruelty on account of non-fulfillment of demand of dowry and she has been ousted from the matrimonial home. They further submit that the complainant has filed one Maintenance case before the Family Court, but the petitioner is not paying any maintenance to the complainant/wife. They also submit that even false case has been filed by the mother of the husband against the family members of the complainant/wife to harass them.

8. It appears that there is a matrimonial discord



between the parties and they are advised to move before Family Court to settle their dispute and the maximum punishment prescribed for the alleged offence is three years.

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, 1st Class, Patna City, Patna in connection with Complaint Case No. 623 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 criminal antecedents other than the disclosed one, 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)

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