

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49827 of 2024

Arising Out of PS. Case No.-1575 Year-2023 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Sarfaraj Alam Son of Alamddin Mian Resident of Vill- Mill Bahuary, P.S.-
Ram Nagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsar Parveen Wife of Sarfraj Alam, Daughter of Md. Wahid Resident of
Vill- Samhuta Bhabhta, Ward No. 12, P.S.- Sathi, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 341,
307, 498(A), 406 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the O.P. No. 2. It is submitted that O.P. No. 2
alleges that after marriage, she was tortured by the accused
persons including the petitioner for not fulfilling the demand of
dowry. It is also submitted that O.P. No. 2 was ousted from her



matrimonial home on 24.06.2023. The learned counsel further submits that after the O.P. No. 2 was ousted from her matrimonial home on 24.06.2023, the complainant instituted the instant complaint case on 26.06.2023. It is next submitted that thereafter in order to implicate the petitioner again, an FIR being Ram Nagar P.S. Case No. 302 of 2023 dated 03.07.2023 came to be instituted with an allegation that petitioner had assaulted the O.P. No. 2.

4. The learned counsel for the petitioner further submits that petitioner had moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 9075 of 2024 in connection with Ram Nagar P.S. Case No. 302 of 2023 and the said case was taken up on 04.04.2024 in which notices were issued on the informant i.e. O.P. No. 2 herein. It is next submitted that what is not in dispute rather stands admitted is that O.P. No. 2 was ousted from her matrimonial home on 24.06.2023, thereafter the instant complaint case came to be instituted and thereafter the aforesaid FIR was also instituted, which amply demonstrates that the only intention of the complainant is to harass the petitioner, as it does not appear probable that once the O.P. No. 2 was ousted from her matrimonial home on 24.06.2023, thereafter the petitioner



would have assaulted her in her matrimonial home, when she was not staying with the petitioner. It is also submitted that in the FIR, the O.P. No. 2 has not even remotely suggested that she has instituted the instant complaint case.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the O.P. No. 2 oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that petitioner is facing prosecution in the instant complaint case and in the aforesaid FIR also, the learned counsel appearing on behalf of the O.P. No. 2 is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that O.P. No. 2 was ousted from her matrimonial home on 24.06.2023.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case



No. 1575 of 2023 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

**7. Accordingly, the instant anticipatory bail
application is allowed.**

(Satyavrat Verma, J)

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