

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48804 of 2024

Arising Out of PS. Case No.-1271 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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AJMAL @ MD. AJMAL S/O MD. TAHJEEB AKRAM @ MD. TAHJEEJ
AKRAM Resident of Village- Parlabari, P.S- Chauki Haripur, P.S- Kadwa,
Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shagufta Farheen w/o Ajmal @ Md. Ajmal, D/O Md. Mohsin Alam R/O
Village- Mohna Chauki, P.S- Kadwa, Distt.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md Rahmatullah, Advocate
For the Opposite Party/s : Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 08-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Katihar Complaint Case no. 1271 of 2023 registered under section 498A of the Indian Penal Code.

3. As per the prosecution case, the complainant states that she was married to the petitioner in April, 2016. At the time of marriage various gifts as mentioned in the complaint was given. A child was born out of the wedlock in the year 2017. The accused persons started making a demand of further Rs. 10 lakhs. On non fulfillment of demand, the complainant was physically and mentally tortured and her articles including



ornaments were misappropriated by the accused persons.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of his being the husband of the complainant. The allegations of demand besides being false and concocted, it is submitted so far as the demand of Rs. 10 lakhs as stated in paragraph no. 6 of the petition is concerned, the same is specific against the other co-accused and not this petitioner. It is further submitted that though subsequent to the instant complaint Matrimonial Suit no. 127 of 2024 was filed by the petitioner praying for restitution of conjugal rights, it would be evident from the order of the learned trial Court that the opposite party no. 2 is not ready to reside together and the parties are residing separately since the year 2022. The petitioner has not criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against this petitioner in the complaint together with the petitioner having filed a suit for restitution of conjugal rights, the contents of the order of the learned trial Court from which it transpires that the parties are living separately since the year 2022, they are not



ready to live together and the petitioner not having any criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Katihar Complaint Case no. 1271 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Katihar.

(Partha Sarthy, J)

Harsh/-

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