

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49067 of 2023

Arising Out of PS. Case No.-370 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Saifullah Dewan @ Md. Saifullah Son Of Bhikhari Dewan R/O Village-
Nayak Tola, Ps- Raxual, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Merinaj Khatoon Wife Of Saifullah Dewan R/O Village- Mahahgdi Mai, Ps-
Kaliya, Dist- Bara Nepal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-07-2024

Heard learned counsel for the parties.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence under Section 498(A)/323 of the Indian Penal Code.

3. As per complaint, the complainant was married with
this petitioner on 24.05.2021 and after the marriage, when she
went to her matrimonial house, she was subjected to torture
and harassment by this petitioner and other in-laws family
members due to non-fulfillment of demand of Rs. Five Lacs, in
the form of dowry, and lastly, she was ousted from her
matrimonial house.

4. Learned counsel for the petitioner, while denying the



allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he is husband of the opposite party no. 2. Petitioner never demanded any dowry or committed torture with opposite party no. 2. As a matter of fact, the opposite party no. 2 resides in Nepal and she wants that petitioner should also settle there, for which, petitioner is not ready and only with a view to put pressure on petitioner, this false case has been lodged. However, petitioner is still ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned Magistrate. The petitioner has further relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in *2006(3) PLJR 182*. Petitioner has got clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Complaint Case No. 370 of 2022, subject to the conditions, as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Prabhat Kumar Singh, J)

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