

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55527 of 2023

Arising Out of PS. Case No.-1052 Year-2019 Thana- COMPLAINT CASE District- Supaul

MD. ISMAIL son of Md. Karim wallah Village- Lolganj Ps- Chhatapur Dist-
Supaul

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Chandani Praveen wife of Md. Ismail, D/o- Md. Jamil Village- Balatedha
Ward no-9, Ps- Kishanpur Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Naresh Kumar Mehta
For the Opposite Party/s :	Mr. Shantanu Kumar
	Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2024 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 504, 498(A) of the Indian Penal Code.

3. Allegedly, the petitioner who is the husband of the complainant is said to have assaulted her and ousted her out of her matrimonial house on the pretext of non-fulfillment of demand for dowry.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has never demanded any dowry and has never tortured the complainant. He further submits that the petitioner is ready and willing to keep the complainant with him with full dignity and honour. Petitioner has also filed a matrimonial case bearing no.46 of 2019 in the Family Court, Supaul. The O.P. No.2 appeared in the said case only on 19.03.2021 and has not appeared after that. Petitioner has no criminal antecedent.

5. Learned counsel for the complainant submits that the informant is also ready and willing to stay with the petitioner.

6. Having regard to the facts and circumstances of the case as well as considering the arguments advanced on behalf of the respective parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.1052 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. Learned counsel for the petitioner is directed to appear before the learned Court below and file an affidavit stating therein that the O.P. No.2 is living with the petitioner.

(Anjani Kumar Sharan, J)

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