

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59402 of 2024

Arising Out of PS. Case No.-704 Year-2023 Thana- SARAN COMPLAINT CASE District-
Saran

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Arman Hussain Son of Amanat Hussain Resident of Village - Kadipur, Police
Station - Nagra, O.P. - Khaira, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Reyaz Wife of Arman Hussain Resident of Kadipur, Police Station -
Nagra, District – Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Danish Raja, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No.704 of 2023 instituted for the offence
punishable under Sections 341, 323,379, 498A and 34 of the
IPC and Section 3/4 of the Dowry Prohibition Act.

3.The prosecution case in short is that the marriage of
the O.P.No.2 was solemnized with the petitioner on
05-04-2021 as per Muslim rites and rituals and thereafter she
was being subjected to cruelty by the petitioner due to non-
fulfillment of demand of dowry. It is further alleged that when
she became pregnant, petitioner sent the O.P.No.2 to her



parents' house.

4. On 21-08-2024, notice was issued to the O.P. No.2 by both modes which was received by the O.P. No.2 as per the office note dated 05-10-2024.

5. Learned counsel for the petitioner submits that the petitioner is the husband of the O.P. No.2 and he is ready to keep his wife with full dignity and honor. It is next submitted that O. P. No.2 herself left her matrimonial home on her own volition and has been staying with her parents. The petitioner has made several attempts to reconcile the issue and bring the O.P. No.2 back to her matrimonial home. It is next submitted that in the instant case, the petitioner had also filed a Matrimonial case being R.C.R. Case No. 95 of 2023 in the month of May 2023 for restoration of conjugal life before the learned Family Court. It is submitted that O.P. No.2 is not ready to live with her husband. It is further highlighted that despite valid service of notice, no one appears on behalf of the O.P. No.2. The petitioner has no criminal antecedents.

6. Learned A. P. P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No.704 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.,Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C.

8.The application stands allowed.

(Khatim Reza, J)

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