

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61953 of 2024

Arising Out of PS. Case No.-763 Year-2021 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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MD. DILSHAD SON OF LATE MD. DIL MOHAMMAD VILLAGE-
LAHAUNA, PASTPAR, WARD NO. 7, PO- PASTPUR, PS- PASTPUR,
DIST- SAHARSA

... .. Petitioner/s

Versus

1. The State of Bihar
2. AKHTARI KHATOON WIFE OF MD. DILSHAD AND DAUGHTER OF
MD. FIROZE VILLAGE- LAHAUNA, PASTPAR, WARD NO. 7, PO-
PASTPUR, PS- PASTPUR, DIST- SAHARSA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Syed Maslehuddin Ashraf, Advocate.
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh, APP.
For O.P. No.2	:	Mr. Madhav Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2024 Heard Mr. Syed Maslehuddin Ashraf, learned counsel

appearing on behalf of the petitioner; Mr. Satyendra Narayan

Singh, learned APP for the State and Mr. Madhav Jha, learned

counsel for the Opposite Party No.2

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 763C of 2021 registered for the
offence punishable under Sections 323, 379 and 498A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. As per the allegation made in the F.I.R., it has been
alleged against the petitioner that he had stopped meal to the
complainant and had demanded a sum of Rs.2 lacs and one



sewing machine as dowry.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is ready to live along with the opposite party no.2 (complainant) who is his legally wedded wife. Petitioner lives in New Delhi to earn his livelihood and he wants his wife to live along with him in New Delhi, but his wife (opposite party no.2) has refused to go along with him and she desires to live in the newly constructed house by the petitioner in the village and as such, the allegation of demand of dowry cannot be sustained against the petitioner.

5. Learned counsel appearing on behalf of the complainant and learned APP for the State have vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the fact that a mediation was held between the petitioner and the opposite party no.2 at District Mediation Centre and the same failed and the petitioner has filed the present bail application that he has not demanded any dowry nor he has tortured rather he lives in New Delhi to earn his livelihood where the opposite party no.2 does not want to live along with him, in my opinion, *prima facie*, the petitioner has made out a case to be released on bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 763-C of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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