

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71036 of 2022

Arising Out of PS. Case No.-856 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Md. Shafi Alam @ Md. Safi Alam Son Of Md. Mojib R/V- Harna, P.S-
Rajaon, Dist- Banka

... .. Petitioner

Versus

1. The State of Bihar
2. Bibi Tamanna D/o Md. Ishtiyar R/o Khiribandh P.S- jagdishpur, Dist-
Bhagalpur

... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 13-09-2024 Heard learned counsel for the petitioner and the State.
Despite valid service of notice, nobody appears for opposite
party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 323, 341, 342, 307, 379
and 498A of the Indian Penal Code read with sections 3 & 4 of
the Dowry Prohibition Act.

3. As per the prosecution case, petitioner was married
with opposite party no.2 on 27.4.2016. Later on, petitioner
along with other family members started committing torture on
opposite party no.2 due to non-fulfilment of dowry demand and
also ousted her from the matrimonial house.

4. Learned counsel appearing for the petitioner while
denying the allegations, submits that the petitioner has falsely
been implicated in this case because he is husband of the
victim. Petitioner has filed Divorce Case No. 156 of 2021 in
the court below. However, he is ready to keep the victim in
matrimonial house with honour and dignity. The case is triable



by the 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**.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within 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 Chief Judicial Magistrate, Bhagalpur in Complaint Case No. 856 of 2016, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

