

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86200 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- COMPLAINT CASE District- Araria

RAFIQUE AHMAD @ MD. RAFIQUE AHMAD SON OF MOSHARRAF
HUSSAIN R/O VILLAGE- HARIYABARA MOTHER TERESA KOLONY,
WARD NO.12, P.S.- ARARIA, DISTRICT- ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. GULSHAN KHATOON W/O RAFIQUE AHMAD @ MD. RAFIQUE
AHMAD, D/O BIKU ANSARI R/O VILLAGE- HARIYABARA, WARD
NO.12, P.S. AND DISTRICT- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Gopal Kumar Jha
For the State	:	Mr.Mohammad Sufyan
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 04-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence under Sections 323, 504, 379, 498(A), 494/34 of the
Indian Penal Code and Sections 3 / 4 of the Dowry Prohibition
Act.

3. As per complaint case, the complainant was married
with this petitioner as per Muslim rites and rituals 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 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 to opposite party no. 2. Petitioner has already filed a matrimonial suit i.e. Matrimonial Case No. 101 M of 2023 in the court of learned Principal Judge, Family Court, Araria for restitution of conjugal right and he 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 J.M. 1st Class, Araria in connection with Complaint Case
No. 166-C of 2023, 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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