

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7626 of 2024

Arising Out of PS. Case No.-699 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Md Akram Ali S/o Late Yusuf Ali R/o Village Madhurapu Bazar, Ward no 12,
P.S-Bihpur Bhawanipur, Distt.-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tamanna Praveen W/o Md. Akram Ali, D/o Md. Anwar Alam R/o Sonwarsa
Raj, Ward no.2, P.S-Sonwarsa Raj, Distt.-Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Adv. Mr. Manish Kumar Singh, Adv.
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the OP No.	:	Mr. Kamal Kishore Singh Mr. Anil Kumar advocates.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 08-05-2024 Heard learned senior counsel for the petitioner,
learned counsel for the complainant and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case no. 699-C/2022 dated 04-07-2022, instituted
under Sections 323,341,379, 498A, 504, 506 of the IPC and
Section 3/4 of the Dowry Prohibition Act.



3. Prosecution case in short is that the *Nikaah* of the complainant was performed with the petitioner on 07-03-2016 after fulfillment of all the dowry demands. After *Nikaah*, the complainant went to her *sasural* and gave birth to a male child. It is alleged that after 2018 her husband started abusing and assaulting her and making false accusation. In this regard, a *Panchayati* was convened, but her husband and in-laws were not ready to obey the direction of *panchayat*. It is further alleged that her husband is not ready to accept her child as own child and stated that the son was not born out with their wedlock. The complainant received the triple Talaq notice, which was sent by her husband whereas, she is ready and willing to live with her husband. It is further alleged that when she went to meet her husband during summer vacation in June 2022, she was confined in a room and assaulted by means of belt and punch and also threatened to leave the house before the sun rises, otherwise she would not see the next morning. Her husband kept her belongings and ousted her from in-laws house.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioner rather the allegation is general and



omnibus in nature. It is submitted that petitioner filed a complaint case on 21-12-2017 against the complainant and others accused persons which was sent to the police for instituting an FIR under Section 156(3) of the CrPC and the same was got registered on 14-02-2018 and cognizance has been taken against the complainant and other accused persons. It is further submitted that after five years, the present complaint case has been lodged. It is submitted that a Divorce Case bearing Marriage (Divorce Case) No. 393 of 2022 has been filed by the petitioner on 19-09-2022 against the complainant, which is pending for final adjudication. Earlier, the matter was referred to the Mediation Centre, Patna, for settlement of dispute between the parties, but the said mediation failed. Lastly, it is submitted that petitioner is a man of clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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



CJM Saharsa, in Complaint Case No. 699-C/2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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