

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1525 of 2024

Arising Out of PS. Case No.-2064 Year-2022 Thana- COMPLAINT CASE District- Araria

Abu Talib @ Hafiz @ Hafiz Md. Talib @ Md. Talib Siddique S/O- Late Abdul Barik R/O- Village- Molvi Tola Doria Sonapur, Ward No. 11, P.S.- Simraha (FORBESGANJ), Dist.- Araria, Temporary Address- Parge Nagar Konwar Khurd Survey No.- 37/2023, Dabayu 6 Floor, Room No.- 604, Pune- 411048 (MAHARSTHRA)

... .. Petitioner/s

Versus

1. The State Of Bihar, Patna
2. Bibi Talaat @ Bibi Talat Praveen W/O- Abu Talib @ Hafiz Md. Talib R/O- Village- Gaiyari, Ward No.- 14, P.S- Araria, Dist.- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code.

3. The allegation against the petitioner is of inflicting cruelty and torture in various ways including assault upon the complainant due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that the complainant has filed Maintenance Case in the learned Court below in which the Court below has directed the petitioner to pay Rs. 10,000/- to the complainant per month. He further submits that the said order was passed *ex-parte*, thereafter, the petitioner filed a revision application in the learned Court below, which is pending. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the nature of offence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 2064C of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioner is directed to pay Rs.5,000/- (Rupees Five Thousand) per month to opposite party no.2 in the second



week of every month, subject to final outcome of the Revision application filed in the Court below by the petitioner. If the petitioner fails to pay the aforesaid amount on two consecutive months, opposite party no.2 shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

8. The complainant would be at liberty to take legal recourse in accordance with law for compliance of the order passed in the Maintenance Case.

(Anjani Kumar Sharan, J)

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