

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7108 of 2024

Arising Out of PS. Case No.-1389 Year-2020 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

Md Aslam S/o Md. Idris R/o Village- Harchanda Dakshin Tola, P.S.- Kanti,
Distt.- Muzaffarpur

... .. Petitioner

Versus

1. The State Of Bihar
2. Heena Khatoon W/o Md. Aslam R/o Village- Harchanda Dakshin Tola, P.S.-
Kanti , Distt- Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner :	Mr.Dr. Bipin Chandra, Advocate
For the Opposite Party/s :	Mr.Suresh Prasad Singh, A.P.P.
	Mr. Sanjay Kumar @ S.K., Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 13-09-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 323, 498A, 504, 354 of the Indian Penal Code and sections 3 & 4 of the Dowry Prohibition Act.

3. Allegation against the petitioner is of matrimonial cruelty and demand of dowry.

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. Matrimonial Case No. 430 of 2020 is going on between the parties. Opposite party no.2 has filed Maintenance Case No. 310 of 2020 in which as per order of the court below petitioner has deposited Rs.70,000/- on 16.7.2024. Petitioner is a daily labourer having no fixed income. However, he undertakes that he petitioner shall regularly pay the



maintenance amount to opposite party no.2. 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 as well as the informant does not controvert the aforesaid facts.

6. Considering the aforesaid facts and circumstances of the case and the undertaking of the petitioner, in the event of arrest or surrender within eight 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 Additional Chief Judicial Magistrate II, West Muzaffarpur in Complaint Case No. 1389 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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