

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19036 of 2025

Arising Out of PS. Case No.-1106 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Shayum @ Md. Sayum S/O Md. Ibrahim R/O Village- Chaknoor, P.S-
Samastipur Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shamima Khatoon W/O Md. Shayum @ Md. Sayum, D/O Md. Habib R/O
Village- Chaknoor, P.S- Samastipur Muffasil, Distt.- Samastipur, Presently
resident of Village- Kewas Nizamat, Bhatti Chouk, P.S- Samastipur
Muffasil, Distt.- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Khushi Awadh
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-07-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the O.P. No. 2, Mr. Mahendra Pratap.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 307, 354, 379, 498A, 504 and 506 of the Indian Penal
Code read with Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel appearing on behalf of the
petitioner submits that the dispute is matrimonial and petitioner
being husband has been falsely implicated in the instant case by
the complainant with an allegation that she was married to the



petitioner in the year 2006 and out of the wedlock, a child was born, but after marriage, the petitioner and his family members started demanding dowry and for non-fulfillment of the same, the O.P. No. 2 along with the child were ousted from their matrimonial home on 10.05.2023.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that O.P. No. 2 is second wife of the petitioner. It is submitted that the first wife of the petitioner who was staying with the petitioner died on 21.05.2023 and thereafter on 07.06.2023, the instant complaint case came to be instituted. It is next submitted that if dowry was being demanded from the O.P. No. 2 by the petitioner and his family members in that event why no FIR or a complaint case came to be instituted by the O.P. No. 2 in between 2006 to 2023 which amply demonstrates that the instant case has been instituted only to harass the petitioner for the reason that petitioner retired from the Railways in the year 2023 and his first wife also died, as such, the O.P. No. 2 with a view to claim the retiral dues of the petitioner instituted the instant false complaint case. It is also submitted that O.P. No. 2 has instituted maintenance case being Maintenance Case No. 248 of 2017 which is pending



adjudication in the Court of learned Principal Judge, Family Court, Samastipur. It is next submitted that petitioner being husband is aware of his responsibility and is willing to pay a monthly maintenance of Rs. 5,000/- to the O.P. No. 2 which shall commence from 01.08.2025 subject to the result of the aforesaid maintenance case.

5. The learned counsel appearing on behalf of the O.P. No. 2 fairly submits that since petitioner is willing to pay a monthly maintenance of Rs. 5,000/- subject to the outcome of the aforesaid maintenance case as such, no useful purpose would be served by sending the petitioner to jail.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. C.R. No. 1106 of 2023 (T.R. No. 2497 of 2024) subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that the O.P. No. 2 shall



be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of monthly maintenance, as agreed, for two consecutive months.

8. It is further made clear that the present maintenance will stop, the moment the aforesaid maintenance case is decided by the learned Principal Judge, Family Court, Samastipur.

(Satyavrat Verma, J)

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