

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25032 of 2024

Arising Out of PS. Case No.-451 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Abdul Haque S/O Abdul Barique Resident Of Muslim Tola Ps Barari District
Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asmera Khatoon W/o Abdul Haque, D/o Hasibur Rahman R/o vill - Molna
Chak, Gurumela, P.S. - Barari, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Adv.
For the State	:	Ms. Sangeeta Sharma, APP
For the O.P. No.2	:	Ms. Pragati Singh with Mr. Mritunjay Kumar, Ms. Shivani Mishra and Mr. Awadhesh Kumar Mishra, Advocates

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 18-01-2025 Heard learned counsel for the petitioner, learned counsel
for the Opposite Party No. 2 as well as the learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Complaint Case P.S. Case No. 451 of 2022, registered for the
offences punishable under Section 498(A) of the Indian Penal Code
and Section 4 Dowry Prohibition Act.

3. The complainant is the legally married wife of the
petitioner. The marriage was solemnized on 12.11.2018 between the
petitioner and the complainant as per Muslim law and customs. As
per allegation, the petitioner and his family members demanded Rs. 3
Lakh as dowry, due to non-fulfillment of the same, they inflicted



atrocities upon her.

4. The learned counsel for the petitioner has submitted that the petitioner is ready to keep his wife (complainant) with full dignity and honour but the complainant is not ready to reside with the petitioner.

5. On the other hand, learned counsel for the Opposite Party No. 2 submits that after brutally assaulted to the complainant, the petitioner along with his family members had ousted her along with child from her matrimonial house, thereafter, the petitioner has solemnized his second marriage. It is the reason that the matter has become irretrievable. It has also been submitted that Opposite Party No. 2 along with her child is passing her measurable days in financial scarcity in her *maika*.

6. It appears that the matrimonial relation between the parties have become irretrievable. It is an admitted fact that the Opposite Party No. 2 is legally wedded wife of the petitioner and she is living in her *maika* along with her child.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Katihar in connection with Complaint Case No. 451 of 2022, subject to the conditions as laid down under



Section 438(2) Cr.P.C.

8. The petitioner is directed to pay an amount of Rs. 5000/- (five thousand only) in each month to the complainant as maintenance.

(Nawneet Kumar Pandey, J)

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