

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31377 of 2025

Arising Out of PS. Case No.-579 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Gulam Gaus @ Lallu S/o Abdus Salam Khan Resident of Village- Harsua,
P.S.- Pranpur, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rozy Khatoon @ Razia Khatoon W/o Gulam Gaus @ Lallu, D/o Gaffar
Resident of Village- Harsua, P.S.- Pranpur, District- Katihar At present
Khanwan, P.S.- Hasanganj, Distt.- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Musowir, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-07-2025 Heard Learned Counsel for the petitioner and Learned

APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Katihar C.A. Case No. 579 of 2023, lodged on 03.04.2023, under Sections 498A/323/504 of the Indian Penal Code and Section 4 of the D.P. Act.

3. As per the prosecution, the allegation against the petitioner that he is not ready to keep the wife and has removed



Opposite Party No.2 from the matrimonial house. Thereafter, she filed criminal case against her husband, in which cognizance has been take under Sections 498A/323/504 of the Indian Penal Code and under Section 4 of the D.P.Act.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner wants to keep the wife but wife is not ready. He submits that the notices were issued by this Hon'ble Court twice and even after valid service Opposite Party No.2 has not appeared in this case. He submits that he is always ready to keep his wife with respect and dignity.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the rejection order it transpires that the allegation of torture and assault has been made. Counsel submits that it appears that Opposite Party No.2 is not ready to live with her husband.

6. In response thereof, Counsel for the petitioner submits that being gentleman, he offers to pay Rs.3,000/- (rupees three thousand only) per month to his wife.

7. Considering the fact that petitioner is offering Rs.3,000/- per month payable to his wife, let the above named petitioner be released on anticipatory bail, in the event of arrest



or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of S.D.J.M., Katihar, Katihar, in connection with Katihar C.A. Case No. 579 of 2023, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. It is made clear that the said Rs.3,000/- per month shall be paid to the wife initially before the Trial Court, but when wife shall provide her bank account then in that case the petitioner shall deposit the said amount in the bank amount of his wife/Opposite Party No.2, Rozy Khatoon @ Razia Khatoon.

(Dr. Anshuman, J)

Mkr./-

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