

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38193 of 2025

Arising Out of PS. Case No.-1002 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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M.d. Malek @ Abdul Malik @ Malek S/o- Jalil Village- Baride Ps- Abadpur
Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Khatoon W/o- Md. Malek @ Abdul Malik, D/o- Noor Alam, R/o-
Bauskota Ps- Barsoi Dist- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Complainant	:	Mr. Qumrul Hoda, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-09-2025 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.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 323,
307, 498A and 34 of the Indian Penal Code read with Sections 3
and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the complainant. It is next submitted that
petitioner and the O.P. No. 2 got married in the year 2019 and
the instant complaint case came to be instituted in the year 2023.



It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that complainant alleges that after marriage, she was being tortured on account of non-fulfillment of the dowry demand of Rs. 2 Lakhs. It is next submitted that allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that in nature of allegation as alleged in the complaint, *prima facie* no offence under Section 307 of the IPC is made out, though, cognizance has been taken under Section 307 of the IPC also, but then no medical prescription has been annexed with the complaint case to substantiate that the injury suffered by the complainant at hands of the petitioner and his family members was such that her life was in danger rather the complainant alleged that accused persons tried to strangle her, as such, cognizance under Section 307 of the IPC also came to be taken. It is also submitted that O.P. No. 2 had moved before the learned Principal Judge, Family Judge, Katihar seeking maintenance and the learned Family court directed the petitioner to pay a monthly maintenance of Rs. 6,000/-. It is next submitted that petitioner, after filing of the instant complaint case, had filed an application in the Court of learned Principal Judge, Family Judge, Katihar seeking restitution of conjugal rights which is



pending adjudication. It is also submitted that petitioner is willing to keep the O.P. No. 2 with honour and dignity.

4. Learned counsel appearing on behalf of the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioner and submits that despite order of the learned Principal Judge, Family Court, Katihar to pay maintenance of Rs. 6,000/- to the O.P. No. 2, the petitioner till date has not paid a single penny, as such, one can well imagine the plight of the O.P. No. 2 that how she is surviving in absence of any financial support, on which the learned counsel appearing on behalf of the petitioner submits that the said order is an *ex parte* order. It is also submitted that if petitioner will not comply the orders of the learned Principal Judge, Family Court, Katihar, in that event he will face the consequences, but then that does not disentitle the petitioner from the privilege of anticipatory bail, in the nature of allegation as alleged in the complaint.

5. 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. 10,000/- (Rupees Ten 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. 1002 of 2023 subject to the conditions as laid down under Section 482 (2) of BNSS.

6. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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