

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41553 of 2024

Arising Out of PS. Case No.-71 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Md. Naushad @ Naushad Son Of Md. Sattar R/O- Vill- Kaithahi, Palat Tola,
P.S- Rajnagar, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sagufta Begam D/O- Md. Hassnain R/O- Vill Gosnagar , P.S- Rajnagar,
Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gayan Deo Yadav, Adv Mr. Ravi Prakash, Adv Mr. Vinod Kumar, Adv Mr. Rajesh Kumar, Adv
For the Opposite Party/s	:	Mr. Gulnar Begum

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

9 17-04-2025 Heard learned counsel for the petitioner, learned
counsel for the complainant and the State.

2. Petitioner apprehends his arrest in connection with
Complaint Case No. 71 of 2019 registered for the offences
punishable under Sections 498A, 323, 379, 504 of the Indian
Penal Code.

3. The petitioner is husband of the complainant and
the allegation in the complaint petition is demand of dowry and
torture.

4. Learned counsel for the petitioner submits that the
allegation made in the complaint is general and omnibus of
demand of dowry and torture, and as a matter of fact, there has
been no demand of dowry and torture inflicted upon the



O.P.No.2. It has further been submitted that the opposite party no. 2 had already married with another person and she had filed a complaint case under section 498A against her earlier husband too, FIR of which has been annexed as Annexure-2 series. Learned counsel for the petitioner submits that he is ready to keep his wife with full honour and dignity as stated in paragraph -14 of the petition.

5. Learned APP for the State and the learned counsel for the O.P.No. 2 oppose the bail application of the petitioner and clarify that OP No. 2 had married this petitioner only after taking divorce from her earlier husband.

6. It appears by an earlier order dated 26.03.2025, the Hon'ble Court had called for a report from the court concerned as to whether the maintenance amount fixed by the learned court below in the Maintenance Case was being paid to OP. No. 2 or not and the report dated 03.01.2025 discloses that no amount was paid by the petitioner to the complainant.

7. Two weeks' time had been granted earlier for compliance of the said order. Today the learned counsel for the petitioner agree that the order passed in the Maintenance Case with regard to the payment of Rs. 5000/- per month would be complied and he would start making the payment of a sum of



Rs. 5000/- per month from the month of April itself and the said payment would be made in further time of two weeks and the first payment of Rs. 5000/- would be made within one week from today. Subsequently, the petitioner would be paying an amount of Rs. 5000/- in the 1st week of every month. It is further clarified that the payment of this amount of Rs. 5000/- is only confined for the consideration of anticipatory bail to the petitioner and so far as the arrears of the maintenance case is concerned, no order can be passed with regard to the same by this Court.

8. Considering all the above mentioned facts and circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Madhubani in Complaint Case No.71 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial. Further the petitioner would ensure the payment of the agreed amount of Rs. 5000/- in the



manner agreed. The OP.No. 2 is however, given liberty to pray
for cancellation of bail in case, the petitioner fails to make the
agreed payment on 2 consecutive dates.

(Soni Shrivastava, J)

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