

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40997 of 2023

Arising Out of PS. Case No.-800 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Md. Seraj @ Md. Saraj Miyan Son of Juman Miyan Resident of village -
Bharaundha, P.S. - Guruwa, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Husan Aara Khatoon Wife of Md. Seraj @ Md. Saraj Miyan Resident of
village - Bharaundha, P.s. - guruwa, Distt. - Gaya and D/o Md. Yakub,
Resident of village - Basaratpur, P.S. - Rafiganj, Distt. - Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Rupa Kumari, Adv.
For the State	:	Mr. Satya Nand Shukla, APP
For the OP-2	:	None

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offences under Sections 323, 342, 494, 498(A)/379 of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. Allegation against petitioner is of matrimonial
cruelty and demand for dowry.

4. While denying the allegations made in the complaint
petition, learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case merely because he happens to be husband of opposite party no. 2. At no point of time, petitioner demanded any dowry or committed torture with opposite party no. 2 and is still ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned Magistrate. The petitioner has further relied upon the judgment of this Court in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar***, reported in ***2006(3) PLJR 182***.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of eight weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of **Rs.10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, Bihar in connection with Complaint Case No. 800 of 2015, subject to the conditions, as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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