

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51972 of 2024

Arising Out of PS. Case No.-135 Year-2009 Thana- GAYA COMPLAINT CASE District-
Gaya

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Nazruddin Mian @ Nazluddin Ansari Son Of Leyaquat Mian R/O- Village-
Sadpur, P.S.- Patan, Distt.- Palamu (Jharkhand)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Tajbun Khatoon Wife Of Nazruddin Mian @ Nazluddin Ansari R/O-
Village- Sadpur, P.S.- Patan, Distt.- Palamu (Jharkhand) Present Address-
D/O- Md. Yunus Resident Of Village- Rampur, P.S.- Dumariya, Distt.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md. Javed Jafar Khan, Advocate
For the Opposite Party/s	:	Mr.Nitya Nand Tiwary, APP
For the Complainant	:	Mr. Praveen Kumar, Advocate
		Ms. Anju Kumari Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 7 16-04-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the complainant.
2. The petitioner apprehends his arrest in connection
with Gaya Complaint Case no.135 of 2009 registered under
section 498A of the Indian Penal Code.
3. As per the prosecution case, the informant states
the complainant was married to the petitioner according to



Muslim ritual. After few years of marriage, the accused persons including the petitioner herein started to assault the informant mentally and physically on account of non-fulfillment of demand of dowry. She further states that the petitioner married with someone and she was living in her matrimonial house with the complainant. When the complainant objected for the same, she was ousted her from matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegation of demand of dowry and torture is false and concocted. The petitioner never performed second marriage and hence, the allegation against him is also false and concocted. The marriage was solemnized in the year 2001 and the complaint was lodged against him along with his family members in the year 2009. Learned counsel also invites attention to the facts of the case that after death of the complainant's father, the petitioner sent money from time to time, a copy of the money order slip has been annexed as Annexure- 2 to the petition. The petitioner is ready to keep his wife with full dignity and honour.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State as also learned counsel for the opposite party no. 2.



At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 3,500/- to his wife in the second week of every month for her basic requirements along with her children. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

6. Considering the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gaya Complaint Case no.135 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Sherghati, Gaya, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

7. If the opposite party no. 2 furnishes the Bank account in which the amount can be transferred and yet the petitioner fails to make the aforesaid payment of Rs. 3,500/- on



two consecutive dates, the opposite party no. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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