

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50786 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- COMPLAINT CASE District- Araria

Md. Alam @ Alam, S/O Md. Bechan, R/O Village- Barbanna, P.S- Raniganj,
Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nusrat Praveen, S/O Md. Alam, D/O Md. Shakeel, R/O Barbanna, Ward No. 18, P.S- Raniganj, Distt.- Araria. At present Village- Puraini, Ward No. 09, P.S- Srinagar, Distt.- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kishore Bharti, Adv.
For the Opposite Party/s	:	Mrs. Nirmala Kumari, Adv.
For the State	:	Mr. M.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 03-12-2025 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. Despite the valid service of notice upon the opposite party no. 2, she did not enter her appearance.

3. The petitioner happens to be husband of the opposite party no.2 apprehending his arrest in connection with Complaint Case No. 415 of 2024, wherein the cognizance has been taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

4. The allegation against the petitioner is of causing



torture to the opposite party no.2 through various ways on account of non-fulfillment of the demand of dowry, leading to lodging of the complaint case.

5. There is a complete denial of the allegation and it is submitted that only on account of the fact that the opposite party no. 2 does not want to reside with the petitioner and, as such, she voluntarily left her house and thereupon, in order to get rid off the complaint case is filed. The petitioner has always been ready to keep the opposite party no.2 with full honour and dignity, but the same was never accepted. Moreover, while negating the prayer for bail of the petitioner, the learned Court below has committed an error of record by recording that the petitioner does not want to keep the opposite party no. 2 as his wife with honour. The petitioner is a man of fair antecedent and moreover, the cognizance has been taken only under Section 498(A) of the Indian Penal Code, which is triable by the Magistrate.

6. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that just within two years of marriage the opposite party no.2 was subjected to demand of dowry and torture on account of non-fulfillment of the same.



7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that despite the notice, the opposite party no. 2 did not enter her appearance, moreover, the offence is triable by the Magistrate and the petitioner bears fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 415 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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