

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55208 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- AAJAM NAGAR District- Katihar

Md. Sanjur Alam SON OF DOMA SHAIKH @ SK. DOMA VILLAGE-
BALIYAPARA, PS- AJAMNAGAR, DIST- KATIHAR

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. SUHAGI KHATOON DAUGHTER OF MD. AIYUB VILLAGE-
DILSHADPUR, PS- BALIA BELON, DIST- KATIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-01-2025 Heard learned counsel for the petitioner and the

State . Despite valid service of notice, nobody appears on behalf

of opposite party no. 2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 341 , 498A, 323 , 504,
506 and 34 of the Indian Penal Code and sections 3 & 4 of the
Dowry Prohibition Act.

3 . As per F.I.R., the daughter of the complainant was
married with this petitioner and after the marriage, when she
went to her matrimonial house, she was subjected to torture and
cruelty by this petitioner and other in-laws family members due
to non-fulfillment of demand of dowry and lastly, she was



ousted from her matrimonial house .

4. Learned counsel for the petitioner, while denying the allegations made in the F.I.R., submits that petitioner has been falsely implicated in this case merely because he happens to be husband of the victim. However, he is ready to keep the victim with full honour and dignity. He further submits that petitioner filed a petition for restitution of conjugal life u/s 281 of Muslim Law on 11.09.2023 before the learned Principal Judge Family Court Katihar vide Matrimonial Case No. 466 of 2023 and thereafter the present F.I.R., has been lodged on 29.09.2023 . 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* . Petitioner claims clean antecedent.

5. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six 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 SDJM Katihar in connection with Azamnagar P S Case No. 346 of 2023 , 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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