

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51832 of 2025

Arising Out of PS. Case No.-67 Year-2024 Thana- COMPLAINT CASE District- Kishanganj

Tausif Raza Son of Sharafat Hussain @ Sharafa Hussain Resident of village -
Miyabasti, Chatergachh, Tola, P.S.- Paharkatta, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruksana Begum Wife of Tausif Raza village- Khagara, Ward No 22, Ps-
Kishanganj, dist- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 07-10-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
498(A) and 379 of the Indian Penal Code as well as Sections 3
and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioner submits that the
case was taken up on 12.08.2025 when notices were issued to
the opposite party no. 2. It is further submitted that from perusal
of the office report dated 22.09.2025, it would manifest that
opposite party no. 2 has personally received the notice but then
she chooses not to appear. It is next submitted that in sum and
substance, the allegation against the petitioner is that he was



married to the opposite party no. 2 on 29.01.2024 and after marriage all the accused persons including the petitioner tortured her mentally and physically for non-fulfillment of demand of dowry of Rs.5 lakhs and a motorcycle.

4. Learned counsel for the petitioner submits that petitioner, being the husband, has been falsely implicated in the instant case by the opposite party no. 2. It is further submitted that petitioner is a labourer and works in Punjab as such a dispute had arisen in between him and the opposite party no. 2 as she wanted to accompany the petitioner to Punjab but then petitioner was not in a position to take her along with himself to Punjab as he was staying in a rented room along with other labourers. It is next submitted that petitioner being the husband is aware of his responsibility towards his wife and is willing to keep her with honour and dignity. It is also submitted that it appears that opposite party no. 2 is not interested in reviving her conjugal relationship, as such, the opposite party no. 2 despite receiving the notice chooses not to appear.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt, the opposite party no. 2 has received notice and has not appeared to contest but then it might be a



possibility that since petitioner is a labourer who works at Punjab as such the opposite party no. 2 may not be having the requisite financial strength to engage a learned lawyer to contest her case. It is further submitted that from perusal of the allegation as alleged in the complaint, it appears that the petitioner and the opposite party no. 2 are residing separately for some times and petitioner is not paying any maintenance to her and that perhaps explains why opposite party no. 2 is not in a position to contest the instant case on which learned counsel appearing on behalf of the petitioner submits that petitioner as husband is willing to pay a monthly maintenance of Rs.3,000/- to the opposite party no. 2 which shall commence from 20.10.2025 on which learned A.P.P. submits that since petitioner is willing to pay a monthly maintenance as such no useful purpose would be served by sending the petitioner to jail and chances of future reconciliation will also get marred.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Complaint Case No. 67(C) of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the petitioner does not credit the amount of maintenance as agreed for two consecutive months in that event the opposite party no. 2 shall be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner before this Court.

(Satyavrat Verma, J)

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