

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57133 of 2024

Arising Out of PS. Case No.-1436 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Mohammad Afaroj @ Afroj Alam @ Afaroj Ali SON OF SALIM
CHURIHAR Ro village- Parwa Mathiya, PS- Barhariya, Dist- Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zarina Khatoon Daughter Of Haidar Ali Village- Penula Khaas, Ps-
Uchakagao, Dist- Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

5 05-03-2025 In pursuance to the earlier order dated 27.02.2025,

petitioner appeared with their counsel in chamber proceeding.

However opposite party no. 2 did not turn up.

2. Heard the parties.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 1436 of 2023 for the

offence under Sections 323, 498A, 406, 354 of the I.P.C. and

3/4 of the Dowry Prohibition Act.

4. It is a case of matrimonial dispute between the

parties. Petitioner – Mohammad Afaroj is the husband of

opposite party no. 2 – Zarina Khatoon (complainant). Allegation

against the petitioner and his family members is of torturing,



assaulting and ousting the informant from her matrimonial house due to non-fulfillment of dowry demand.

5. Learned counsel for the petitioner submits that petitioner is quite innocent, committed no offence and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner for dowry demand and torture. Petitioner has never demanded any dowry from the complainant and for that never tortured her. He further submits that petitioner is ready to keep her with full dignity and regard without any grievance.

6. Learned APP opposes the prayer of anticipatory bail.

7. During course of argument learned counsel for the petitioner submits that petitioner is ready to keep his wife (complainant) with full honour and dignity. This fact prima-facie shows the bona-fide conduct of the petitioner, but opposite party no. 2 (complainant) is not ready to lead her conjugal life with him. From perusal of Mediation report, it appears that earlier this case was referred to Mediation Centre but there also opposite party no. 2 (complainant) did not turn up and here also she has not appeared today without showing any cogent reason.



8. Keeping in view the aforesaid facts and considering the bona-fide conduct of petitioner, let the petitioner be enlarged on anticipatory bail in the event of arrest or surrender within a period of four weeks from the receipt/production of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M. Gopalganj in connection with Complaint Case No. 1436 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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