

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58365 of 2025

Arising Out of PS. Case No.-420 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Suber Shah @ Md. Suber son of Ataullah @ Bullu Resident of vilage-
Fatehpur, Ps- Kasba, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakina Khatoon Wife of Md. Suber Shah @ Md. Suber Resident of vilage-
Fatehpur, Ps- Kasba, Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Hussain, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 27-08-2025 Heard Mr. Md. Hussain, learned counsel for the

petitioner and Mr. Ramesh Chandra, learned APP for the

State.

2. The petitioner has prayed for bail in connection
with Complaint Case No. 420 of 2017 registered for the
offence punishable under Sections 498(A) of the Indian Penal
Code.

3. The case of the prosecution is that the petitioner is
the husband, and there is an allegation against him that he has
subjected his wife to cruelty on account of non-fulfillment of a
dowry demand.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the petitioner was granted bail by trial court *vide* its order dated 23.05.2019, subject to the condition that the petitioner has to pay his wife Rs. 1,000/- per month as litigation cost, as he has not deposited/paid the litigation cost, his bail bond was rejected. He further submits that the litigation which has been imposed by the trial court is not legal. In a case under Section 498(A), husband is not obliged to pay the litigation cost. It has also been submitted that the complainant has already performed second marriage on 11.01.2019 and is living with her second husband. He further submits that a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and is languishing in judicial custody since 28.05.2025.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties



of the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Purnea, in connection with Complaint
Case No. 420 of 2017.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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