

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57099 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Mohammad Paigambar @ Paigambar Ali Son of Mahammad Kasim R/O
Vill.- Dhan Toliya Sareya Narendra, P.S.- Barauli, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afroza Khatoon Wife of Mohammad Paigambar @ Paigambar Ali, D/O
Mohammad Sujan R/O Vill.- Sanah, P.O.- Dharam Parsa, P.S.- Manjhagarh,
Dist.- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Tooba Hera Mr. Thakur Brajesh Singh
For the Opposite Party/s	:	Mr. Ram Anurag Singh
For the O.P. No. 2	:	Ms. Shyamli Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-01-2025 1. Heard learned counsel for the petitioner, Ms. Tooba
Hera, learned A.P.P. for the State and the learned counsel
appearing on behalf of O.P. No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498A of the
Indian Penal Code read with Sections 3 and 4 of the Dowry
Prohibition Act.

3. Learned counsel for the petitioner submits that
petitioner, being husband, has been falsely implicated in the
instant case by the O.P. No. 2. It is next submitted that petitioner
was always willing to restitute his conjugal rights, but then the



O.P. No. 2 was never interested in coming back to her matrimonial home. It is next submitted that the petitioner was married to the O.P. No. 2 on 16.07.2022 and thereafter he left for Saudi Arabia where he was working. It is next submitted that after the petitioner left for Saudi Arab, the instant complaint case came to be instituted on 28.02.2023 with an allegation that the family members of the petitioner tortured the O.P. No. 2 for dowry and she was ousted from her matrimonial home. It is next submitted that O.P. No. 2 was never ousted from her matrimonial home rather she never intended to stay with the petitioner or his family members. It is further submitted that O.P. No. 2 also instituted Maintenance Case No. 127 of 2024 under Section 125 of the Cr.P.C. in the Court of learned Principal Judge, Family Court, Gopalganj and sought maintenance and filed petition dated 29.03.2024 seeking interim maintenance, but the said application came to be rejected by an order dated 03.12.2024 by the learned Principal Judge, Family Court recording that wife is not willing to live with her husband, as such, there is no urgent need to provide her interim maintenance. The learned counsel for the petitioner, thus, submits that this amply demonstrates that even before the learned Principal Judge, Family Court, Gopalganj, the O.P. No. 2 showed her unwillingness to stay with the petitioner. It is further submitted that it absolutely does not stand to reason that when



petitioner left for Saudi Arabia one week after marriage then how the petitioner could have tortured the O.P. No. 2 which amply demonstrates that the case has been instituted for some ulterior reason.

4. The learned counsel appearing on behalf of the O.P. No. 2 is not in a position to rebut the order dated 03.12.2024 in Maintenance Case No. 127 of 2024, but then fairly submits that O.P. No. 2 is not interested in reviving her conjugal relationship.

5. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, 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. 428 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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