

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65397 of 2024

Arising Out of PS. Case No.-1978 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Md. Farmud Son of Md. Sujayat Resident of village - Chintamanpur, P.S.-
Pipra, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samima Khatoon Daughter of Md. Badaruddin Mian Resident of village -
Fenhara, P.S.- Fenhara, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP
For Opposite Party No.2	:	Mr. Dhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-01-2025 Heard learned counsels for the parties.

2. The petitioner, husband of the complainant
/Opposite Party No. 2, apprehends his arrest in a case registered
for the offence punishable under Sections 498A, 323 and 34 of
the Indian Penal Code.

3. As per the prosecution case, this petitioner is
alleged to have committed torture and harassment upon the
complainant/Opposite Party No. 2 due to non-fulfillment of
demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner, while denying the allegations made in the F.I.R.,



submits that the petitioner has been falsely implicated in this case merely because he is husband of the complainant/Opposite Party No. 2. As a matter of fact, at no point of time, petitioner demanded dowry or tortured the complainant/Opposite Party No. 2. It is further submitted that the petitioner is ready to keep the complainant/Opposite Party No. 2 at her matrimonial house with honour and dignity. It is further submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon the judgment of this Hon'ble 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 antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation, law laid down by the Hon'ble Apex Court and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest or surrender within eight weeks from today, let the 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 Sub-Divisional Judicial Magistrate, Motihari, East Champaran, in connection with Complaint Case No. 1978 of 2021, 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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