

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69822 of 2024**

Arising Out of PS. Case No.-1162 Year-2022 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Syed md Farhan @ Mister Syed Farhan @ Syed Farhan @ Md. Farhan S/O
Syed Md Irfanullah @ Syed Md Irfan Resident of Makhdum Bagh (khankah),
P.S.Laheri, District Nalanda at Bihar sharif

... .. Petitioner/s

Versus

1. The State of Bihar
2. Trannum Jahan @ Syed Tarannum Jahan Wife of Syed Md. Farhan @
Mister Syed Farhan, Daughter of Azhar Imam Resident of Mohalla- Baari
Dargah,P.S. Bihar and District BiharSharif

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hafiz Shahbaz Arif
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 10-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant/opposite party no. 2 and learned APP
for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 498A of
the Indian Penal Code.

3. Petitioner, who is husband of opposite party no2., is
said to have ousted the opposite party no.2 from her



matrimonial home in association of his family members over the dowry demand.

4. It appears from the perusal of the complaint that there is an allegation that the petitioner had shown himself to be an engineer. However, later on the complainant got to know that he was working as a laborer in Saudi Arabia. It would further appear that there is a demand of Rs. 5 lakh being made as dowry from the complainant. However, learned counsel for the petitioner submits that there is no demand of dowry nor the complainant has been subjected to any kind of torture or harassment.

5. Learned counsel for the petitioner has further submitted that he has also filed a matrimonial case for restitution of conjugal rights, bearing Matrimonial Case No. 308 of 2023, which is annexed as Annexure-2 to the present application, filed before the Family Court, Nalanda, at Bihar Sharif. Learned counsel for the petitioner further points out that as a matter of fact the complainant has taken Khula (divorce) on 22.04.2024 from the petitioner at Bihar Sharif, Nalanda.

6. The application is opposed by the Learned Counsel for the APP as also the learned counsel for the complainant and it is also submitted that the complainant has a minor son aged



about 7 years, who is staying with the mother.

7. At this stage, the petitioner offers to give Rs.3000/- (Rupees Three Thousand) per month to opposite party no.2 in first week of every month. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

8. In such view of the matter, let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate VII (1st class) Nalanda, in connection with Complaint P.S. Case No.1162c of 2022 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

9. Learned counsel for the opposite party no. 2, under instruction, submits that opposite party no.2 undertakes to provide her bank account details to the petitioner within a period of two weeks by submitting the same on affidavit before the learned Court below. If the O.P. No.2 furnishes the bank



account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the O.P. No.2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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