

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68870 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- BAIRIYA District- West Champaran

Md. Rafik @ Md. Rafi Alam @ Mo Raphik Son of Late Asalam Alam @ Late Aslam Minya @ Aslam Miyan Resident of Ward No. 03, Hat Saraiya, P.S. - Bairiya, District - West Champaran - 845438

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tamanna Khatoon Wife of Md. Rafik @ Md. Rafi Alam @ Mo Raphik Resident of Ward No. 03, Hat Saraiya, P.S. - Bairiya, District - West Champaran - 845438, Presently Resident of Village - Mahabir Nagar, Santghaat Ward No.3, P.S. - Bairiya, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Singh, APP

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

5 22-03-2025 Heard learned counsel for the petitioner, learned counsel appearing on behalf of informant and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bairiya P.S. Case No. 94 of 2024 for the offence under Sections 498A, 323, 307, 504 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution story, the informant has alleged that her marriage was solemnised with the petitioner on 17.11.2019 according to Muslim rites and she has two children from her wedlock. It is further alleged that in January 2023, the petitioner took the informant to Vijayawada. In greed of money,



he put pressure on the informant for prostitution. On refusal, petitioner brought her home and started demanding motorcycle as dowry. When the informant expressed her inability to give the same, family members of the petitioner tortured her variously. It is also alleged that the husband of the complainant (petitioner) attacked on her by means of knife on many parts of her body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and he has falsely been implicated on account of matrimonial dispute and family feud. The prosecution story is totally false and fabricated. There is no iota of truth at all in facts and circumstances of the case. No such occurrence as alleged in respect of the petitioner in the First Informant Report has ever been taken place. There is general and omnibus allegation against the petitioner and there is no specific acquisition or overt act against the petitioner. O.P. No. 2 knowingly and intentionally wants to tarnish the image of the petitioner in the society by leveling hateful and despicable allegation against the petitioner which is condemnable and derogatory one.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail.

6. During the course of argument, learned counsel for



the petitioner submits that petitioner is still ready to keep his wife and minor children with full honor, dignity and affection. He has not assaulted the informant in any way. In para 56 of the case diary, it is mentioned that Section 307 of the Indian Penal Code is not corroborated during investigation. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt 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 Additional Chief Judicial Magistrate, - III, Bettiah, West Champaran, Corresponding to G.R. No. 1151 of 2024, in connection with Bairiya P.S. Case No. 94 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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