

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72636 of 2024

Arising Out of PS. Case No.-813 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Mahboob Alam @ Md. Mahboob Alam S/o Mansur Alam Resident of village-
Babla Rahika, PS- kadwa, District- katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabina Khatoon @Sakina khatoon D/o Md. Ashraful R/o vill - Dokhra, P.S. -
Kadwa, Distt. - Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md Musowir, Advocate
For the Complainant	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Md. Musowir, learned counsel for the

petitioner, Mr. Sanjeev Kumar Singh, learned counsel for the

Complainant and Mr. Arun Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Katihar C.A. Case No. 813 of 2022, dated
29.04.2022 registered for the offences punishable under
Sections 323, 498(A) of the Indian Penal Code.

3. Petitioner is the husband of the Complainant.
Allegation against the petitioner is of demand of dowry and



torture for the same.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the Complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that in fact the complainant is not ready to live with the petitioner and she has filed a Maintenance case bearing No. 148 of 2022 before the competent court of law for the maintenance. Learned counsel for the petitioner further submits that the petitioner is ready to keep the complainant as his wife with all honour and dignity and despite of best efforts, the complainant is not ready to live with the petitioner and so the petitioner has filed the Matrimonial Case No. 253 of 2022 and thereafter the present complaint petition has been filed by the complainant only to harass the petitioner.

5. Learned counsel for the Complainant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is husband of the complainant and apart from that the complainant is not ready to live with the petitioner.



6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned S.D.J.M., Katihar in connection with Katihar C.A. Case No. 813 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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