

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68152 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Jubair @ Md. Zuber Alam S/o- SK. Siddique Resident of village-
Amdabad Paschim, Tola Near Madarsa ward no 8 PS- Amdabad District-
Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Khatoon W/o- Md. Jubair, D/o- Shamsul Resident of village-
Amdabad Paschim, Tola Near Madarsa ward no 8 PS- Amdabad District-
Katihar, A/P- Amdabad Paschim Tola W.No-2, Ps- Amdabad Dist- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md Musowir, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP
For the O.P. No. 2	:	Mr. Sanjeev Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with C.A. Case no.369 of 2023 registered under sections 376,
384, 406, 498A, 354B, 120B, 420 and 34 of the Indian Penal
Code and Section 3/4 of the D.P. Act.

3. As per the prosecution case, the complainant states
that on 20.02.2022 at about 2:00 p.m., the petitioner committed
rape upon the complainant at the Biscuit Factory whereafter the
marriage was solemnized between them vide an affidavit no. 03
of 2022 dated 05.05.2022. After few days of her marriage, she
was abandoned at her parents home for non-fulfillment of



demand of Rs. 6,00,000/- as dowry. She further states that a boy child was born out of their wedlock.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He denies the very factum of marriage and submits that complainant is already married. The filing of the instant case only to extort money from the petitioner. He further submits that the allegations of unlawful demand of dowry is also false on account of the fact that the marriage had happened by way of an affidavit. The entire allegations of rape etc., made in the complaint is false and concocted as cognizance has been taken by the learned Magistrate is only under Section 498A of the Indian Penal Code and Section 4 of the D.P. Act. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 3,000/- to his wife in the second week of every month for her basic requirements along with her child. It goes without saying that the aforesaid payment shall be subject to any order passed in



matrimonial maintenance case or any other collateral proceeding.

7. Considering the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with C.A. Case no.369 of 2023 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 Sub-Divisional Judicial Magistrate, Katihar, 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.

8. If the opposite party no. 2 furnishes the Bank account in which the amount can be transferred and yet the petitioner fails to make the aforesaid payment of Rs. 3,000/- on two consecutive dates, the opposite party no. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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