

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69227 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- TURKAULIYA District- East
Champaran

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Muslim Alam Son of Sarfuddin Sai @ Sarfuddin Dewan R/O Vill.-
Jaisnghpur Chilraw, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon W/O Muslim Alam, D/O Rahmatullah Dewan @ Abdul
Mohammad R/O Vill.- Lakhaura Bichla Tola, P.O. and P.S.- Lakhoura, Dist.-
East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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

4 22-03-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is apprehending his arrest in
connection with Turkauliya P.S. Case No. 224 of 2024 for the
offence under Sections 498A, 406, 328, 120-B and 34 of the
I.P.C.

3. As per the prosecution story, the informant has
alleged that her marriage was solemnised on 16.01.2023 and
from their wedlock, two children were born. Thereafter, it is
further alleged that all the accused persons started demanding
Rs. 2,00,000/- as dowry and due to non-fulfillment of said
demand, accused persons started assaulting and the informant



was subjected to cruelty. Accused persons also tried to kill the informant by setting her in fire.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and he has committed no offence whatsoever alleged in the prosecution story. The petitioner has falsely been implicated in this case by the informant for taking undue advantage. The marriage of the petitioner was solemnised with the informant on 16.01.2023 with Muslim rites and rituals and out of the wedlock two children were born. The informant lived peacefully for 10 years at her matrimonial house but due to misconception, she lodged a complaint case before the Court below on 03.07.2023. The petitioner (husband of the informant), never demanded dowry from her and never tortured her for the same. The informant is a short tempered lady, and she herself deserted the house of the petitioner and preferred to reside at her parental house however, petitioner is always ready to keep his wife and children with full honour and dignity.

5. Learned APP opposes the prayer for bail.

6. During course of argument, learned counsel for the petitioner submits that petitioner has also filed Matrimonial Case No. 394 of 2022 in the Court of Principal Judge at Motihari for restitution of conjugal rights in which despite of



issuance of notice Opposite Party No. 2 – Shabana Khatoon did not appear. 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 Chief Judicial Magistrate, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 224 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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