

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76354 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- PIRBAHOR District- Patna

Ataur Rahman S/O Abdul Rahman Ansari @ Abdul Rahman R/O J.P.S
Campus,Village, P.O, P.S- Baliyapur, Distt- Dhanbad (Jharkand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabiha Ahmad D/O Ahmed Ansari R/O C-4,Al- Nazir Complex, Dariyapur,
Sabzibagh,P.S.- Pirbahore,P.O- Bankipore, Distt- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Shamimul Hoda, Adv
For the Opposite Party/s	:	Mr.Pronoti Singh, APP
For the Informant		Ms. Roona , Adv
		Mr. Wasif Rahman Khan, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

2. Petitioner apprehends his arrest in connection with
Pirbahore P.S. Case No. 369 of 2023 registered for the offences
punishable under Sections 498(A), of the Indian Penal Code.

3. The allegation in the FIR, is with regard to demand
of dowry and torture inflicted upon the O.P.No.2 and hence, the
FIR.

4. Learned counsel for the petitioner submits that the
allegation made in the FIR are not correct and as a matter of
fact, the petitioner had sent a letter of divorce on 16.02.2023,



27.02.2023 and 21.04.2023 to the informant and thereafter in retaliation, the informant has lodged this false case on 19.05.2023 and has used the pressure tactics. The petitioner filed the Divorce Case no. 520 of 2023 in the family court, Dhanabad which after getting transferred to Patna at the instance of O.P.No. 2 is pending before the court of Principal Judge, Family Court, Patna. Learned counsel for the petitioner has submitted that he was compelled to file the divorce case on account of the fact that the informant was not residing with the petitioner. It has also been submitted on behalf of the informant that in response to the divorce notices, sent by the petitioner, the informant had replied in specific terms that she was ready to stay with the petitioner, even at the cost of losing her job.

5. Learned APP for the State and learned counsel for the informant vehemently oppose the bail application stating that there are serious allegation in the FIR and the informant was staying away from the petitioner not as per her choice but as per demand of her profession as she happens to be the Medical officer posted at Patna. The learned counsel for the informant further states that the petitioner has inflicted cruelty upon the informant by solemnizing second marriage during the pendency of the divorce and the present criminal proceeding.



She has also submitted that there are two minor children out of the wedlock, who are also to be looked after and the petitioner is shirking from his responsibility with regard to the same.

6. At this stage, the learned counsel for the petitioner makes an offer to pay a sum of Rs. 12,000/- per month to the informant, subject to final outcome of any maintenance proceeding.

7. Considering all the above mentioned facts and circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate Patna in Pirbahore P.S. Case no. 369 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

8. Learned counsel for the O.P.No. 2 under instruction, submits that she undertakes to provide her bank account details to the petitioner within a period of two weeks from today, 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 O.P.No.2, the O.P.No.2 would be at liberty to file cancellation of bail .

(Soni Shrivastava, J)

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