

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.76985 of 2024

Arising Out of PS. Case No.-498 Year-2022 Thana- SAHARSA COMPLAINT CASE

District- Saharsa

Md. Juyeb Son of Md. Chhitan Resident of Village- Kainjari Ward No. 2,
West Tola, PS- Beldaur, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gufrana Khatoon D/O- Md. Noor Mohamad Resident of Village- Sitnabad
Lalu Tola Ward No. 3, P.O.- sitanabad, P.S.- Simri- Bakhiyarpur, Distt.-
Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Santosh Kumar Singh, Advocate.
For the State : Mr. Ganesh Prasad Singh, APP
For the informant : Mr. Ravi Ranjan Mallick, Advocate.
Mr. Rajeev Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Opposite Party No. 2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 498(C) of 2022 dated
26.7.2024 registered for the offences punishable under Sections
323 and 498(A) of the Indian Penal Code and Section 34 Dowry
Prohibition Act.



3. As per allegation made in the criminal complaint, the complainant was married with accused/petitioner on 1.3.2019 and thereafter for two years, she was kept properly by the petitioner. It is further alleged that after two years of marriage, the complainant was subjected to cruelty on account of non-fulfillment of additional demand of dowry and, ultimately, she was ousted from the matrimonial home on 11.05.2022.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no marriage at all between him and the complainant. This is a pressure tactics to solemnize marriage with the petitioner. He further submits that there is no specific allegation of cruelty with time, place and nature of the injury. He also submits that the maximum punishment prescribed in the alleged offence is three years.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State and learned



counsel for the complainant vehemently oppose the prayer of the Petitioner for bail submitting that the petitioner is husband and he has committed cruelty against the complainant for non-fulfillment of additional demand of dowry.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saharsa, in connection with Complaint Case No. 498(C) of 2022, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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