

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84206 of 2024

Arising Out of PS. Case No.-752 Year-2019 Thana- COMPLAINT CASE District-
Kishanganj

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Md Sabir Alam @ Md. Sabir S/O Late Abdul Gafur R/O Village- Athgachhi,
P.S.- Garvandanga, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Almera Begum @ Almera W/O Md. Sabir Alam @ Md. Sabir R/O Village-
Athgachhi, P.S- Garvandanga, Dist.- Kishanganj. At present D/O- Alauddin,
R/O Village- Daula, P.S- Kishanganj, Distt.- Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar
For the State	:	Mr. Asha Devi
For the O.P. No.2	:	Mr. Raj Kumar, Advocate Mr. Rajnish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-03-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State as well as learned counsel for the O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. C 752 of 2019, filed for
the offences punishable under Sections 323, 379, 498A, 420,
504 and 506 of the Indian Penal Code.

3. As per allegation, the petitioner entered into the
marriage as per Muslim Rites and Customs with the
complainant concealing his first marriage with another lady and
when the complainant came to know about the first marriage of
the petitioner, somehow persuaded the complainant to continue



with the marriage. It is also alleged that on the pretext of doing business, the petitioner got Rs.90,000/- from the complainant and on the occasion of *vidayee*, again there was demand of Rs.1,00,000/- from the complainant and on refusal to pay the same, she was subjected to cruelty and threatened to divorce her and she was ultimately ousted from the matrimonial home retaining jewellery worth Rs.25,000/-.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the complainant was a widow prior to her marriage with the petitioner and she has entered into marriage with the petitioner with all knowledge about his first marriage, but subsequent to the marriage, she is not willing to live with him on account of second wife and one child out of the previous wedlock and hence, there is matrimonial problem and on account of the matrimonial discord, the present case has been falsely filed by the complainant. He further submits that the petitioner has never got any money from the complainant nor has he demanded any money from her. He further submits that the whole allegation is false and fabricated to harass the petitioner.

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 antecedent.

7. However, Ld. APP for the State and learned counsel for the complainant vehemently oppose the prayer of the Petitioner for bail submitting that the petitioner has entered into the marriage with the complainant concealing his first marriage from her with intent to grab the property of the complainant, who was a widow and having some valuable property and moreover, she is not being treated with all love and dignity.

8. Considering the rival submissions of the parties, it appears that there is matrimonial discord between the parties on account of the first marriage of the petitioner. As such, remedy to the parties lies with the Family Court. They are better advise to move Family Court for adjudicating their disputes. Though, cognizance under Section 498A IPC has been taken against the petitioner but as per the allegations and the submissions, there is no *prima facie* case made out under Section 498A IPC against the petitioner.

9. Accordingly, **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 Ld. Sub-Divisional Judicial Magistrate, Kishanganj, in connection with Complaint Case No. C 752 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. 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, Ld. 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, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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