

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82810 of 2024

Arising Out of PS. Case No.-906 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

MD. TABREZ @ TABREZ SON OF ANWAR R/O VILL.- GENAUR, P.S.-
BISFY, (PATONA O.P.) DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nargis Khatun Wife of Tabrez, D/O Md. Motiur Rahman R/O Vill.- Ramoul,
P.S.- Kamtaul, Dist.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP
For the O.P. No.2	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

8 15-07-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.
2.

2. The petitioner apprehends his arrest in connection
with Darbhanga Complaint Case no.906 of 2022 registered
under section 498A of the Indian Penal Code and Section 3/4 of
the D.P. Act.

3. The case is one under Section 498A of the Indian
Penal Code and petitioner is the husband. The allegation against
him is of demand of dowry and torture.

4. Learned counsel for the petitioner submits that
earlier the matter had been sent to the Patna High Court
Mediation Centre vide order dated 30.04.2025 but the mediation
process has failed. Learned counsel for the petitioner further
submits that marriage is of the year 2015 and at the time of



marriage the petitioner was unaware of the fact that complainant/opposite party no.2 was already a married woman and whose earlier marriage had also failed. It is further pointed out that the complainant/opposite party no.2 had also filed complaint case against her second husband under Section 498A of the Indian Penal Code. It is also a fact that opposite party no.2, after some time of marriage, has been staying in her *maiyyka* and hence, there has been no relationship of husband and wife between them and there had been no occasion to inflict any kind of torture and cruelty upon her. The petitioner has no criminal antecedent and undertakes to co-operate in case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State as also learned counsel for the opposite party no. 2 who submits that opposite party no.2 is a destitute lady who has been left in lurch by the present petitioner and she has no source of income in order to meet her own expense. In response, learned counsel for the petitioner submits that opposite party no.2 has been staying on her own *maiyyka* since 2015 and has been able to sustain herself in all these years.

6. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 1,500/- to



his wife in the second week of every month for her basic requirements. 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 Darbhanga Complaint Case no.906 of 2022 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 Court below, 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. 1,500/- 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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