

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85221 of 2024

Arising Out of PS. Case No.-212 Year-2022 Thana- COMPLAINT CASE - RAXAUL AT
MOTIHARI District- East Champaran

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Saghir Mian Son Of Manif Mian R/O Shree Rampur, Ward No 14, P.S.-
Raxaul, District- East Champaran Petitioner

Versus

1. The State Of Bihar
 2. Shahabun Khatoon Wife Of Sagir Mian, D/O Late Rahmatullha Mian
Mansuri R/O Vil.- Bhaluhi, P.S.- Semra, Dist.- Bara Nepal
... .. Opposite Party
- =====

Appearance :

For the Petitioner : Mr.Manjeet Kumar Mishra, Advocate
For the Opposite Party : Mr.Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-05-2025 Heard learned counsel for the petitioner and the State.
Despite valid service of notice, nobody appears for opposite
party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 498A/406 of the Indian
Penal Code.

3. As per the Complaint Case No. C212/2022, 16 years
back, petitioner was married to opposite party no.2 and they
were blessed with four girl children out of the said wedlock. It
is alleged that after birth of fourth girl child, petitioner and his
family members started demanding dowry of Rs.5 lacs and on
non-fulfilment of demand of dowry, accused persons
committed torture on opposite party no.2 and ousted her from
the matrimonial house.

4. Learned counsel appearing for the petitioner while
denying the allegations, submits that the petitioner has falsely
been implicated in this case because he is husband of the
victim. Several times, petitioner tried to bring back opposite



party no.2 to her matarimonial house, but she could not respond. However, petitioner is still ready to keep the victim in matrimonial house with honour and dignity. Learned counsel submits that the case is triable by the Magistrate. Petitioner has relied upon judgment of this Court, passed in case of **Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar**, reported in **2006(3) PLJR 182**.

5. Considering the aforesaid facts and circumstances of the case as also the judgment of this Court, in the event of arrest or surrender within eight weeks from today, let this petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in Trial No. 450/2022, Complaint Case No. C 212/2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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