

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84951 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Abu Sama Son of Late Abdul Sattar Resident of Village- Rounia, P.S.-
Kadwa, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Parveen Fatima Wife of Abu Sama, D/O- Shah Alam Resident of Village-
Bhokchamari, P.S.- Balrampur, Distt.- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md Musowir, Advocate
For the Opposite Party/s	:	Mrs.Asha Devi, APP
For the O.P. No. 2	:	Mr. Ajit Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-04-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the complainant.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Katihar Complaint Case no.179 of 2023 registered under
section 498A of the Indian Penal Code and Section 3/4 of the D.P.
Act.

3. As per the prosecution case, the informant states
that her husband Abu Sama, the petitioner herein, started to
assault the informant mentally and physically on account of
non-fulfillment of demand of dowry and also ousted her from
matrimonial house.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegation of demand of dowry and torture is false and concocted. The petitioner is always ready to keep his wife with full dignity and honour. The petitioner has also filed a matrimonial suit for restitution of the conjugal life vide Matrimonial Suit No. 383 of 2023 before the Principal Judge, Family Court, Katihar. At this stage, learned counsel for the petitioner submits that the petitioner makes an offer to pay Rs. 4,000/- to his wife in the second week of every month for her basic requirements along with her children. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

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.

6. 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 Katihar Complaint Case no.179 of 2023 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 Sub- Divisional Judicial Magistrate, Katihar, 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.

7. 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. 4,000/- on two consecutive dates, the opposite party no. 2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

Harsh/-

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