

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87750 of 2024

Arising Out of PS. Case No.-1393 Year-2020 Thana- COMPLAINT CASE District- Araria

DIL MOHAMMAD @ GUDDU S/o Abdul Barik R/o Village- Bansbari,
Ward No.4, Balwa, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulshan Ara W/o Dil Mohammad @ Guddu, D/o- Md. Matin R/o Village- Bochi, Ward No.7, P.S.- Baigachhi, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Naushad Uzzoha, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Complaint Case No. 1393C of 2020, filed for the offences punishable under Section 498A of the Indian Penal Code.

3. As per the allegation, the marriage between the complainant and the petitioner-husband was solemnized in the year, 2012 and even one daughter is born out of the wedlock and on account of non-fulfillment of additional demand of dowry, the complainant has been ousted from the house by the petitioner and hence, the complainant is living at her *maike*



along with her minor daughter. It is also alleged that the petitioner-husband has entered into the second marriage with one Najra Khatoon and only after the second marriage, the complainant has been ousted from the matrimonial home.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that in fact, marriage is not working on account of discord and second marriage of the petitioner with one Najra Khatoon and there is no physical cruelty. As such, this false case has been filed only 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 petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. From the aforesaid facts and circumstances, it transpires that there is matrimonial discord on account of non-working of the marriage and second marriage of the petitioner-husband with another lady. Hence, the parties have better remedy to move the Family Court to resolve their disputes.



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. Chief Judicial Magistrate, Araria, in connection with Complaint Case No. 1393C of 2020, 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 criminal antecedents other than the disclosed one, 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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