

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31273 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Abu Bakar Siddique @ Abu Bakar Son of Late Chand Mohammad R/o
Village- Kachana, P.S.- Barsoi, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Johara Khatoon Wife of Abu Bakar Siddique @ Abu Bakar, D/o Jamiruddin
R/o Village- Kachana, P.S.- Barsoi, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Harish Chandra Patel, Adv
For the Opposite Party/s	:	Mr. Rajiv Ranjan, APP
For the O.P. No. 2	:	Mr. Rajendra Pd. Sah, Adv
	:	Mr. Ratnakar Ambastha, Adv

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-01-2026 Heard the parties.

2. The petitioner is named in the complaint and apprehending his arrest in connection with C.A. Case No. 451 of 2023 registered for the offences punishable under Sections 341, 323, 504 and 498-A of the Indian Penal Code.

3. As per complaint, petitioner alleged mental and physical cruelty upon complainant due to non-fulfillment of demand of dowry, as raised for cash of Rs. 2 lakhs.

4. It is submitted by learned counsel appearing on behalf of the petitioner that complaint in issue was raised on the basis of false and fabricated allegation and therefore



same not appears supported through affidavit. It is pointed out that non-supporting of complaint on affidavit is a clear violation of legal ratio as established through **Priyanka Srivastava and Another Vs. State of Uttar Pradesh and Others, [(2015) 6 SCC 287]**. Arguing further it is submitted that allegation *qua* demand of dowry appears very much general and omnibus in nature as petitioner out of family quarrel solemnized his second marriage as per his personal law, being aggrieved with same false case was lodged which is completely un-occasioned and unwarranted.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioner is not paying anything towards maintenance of complainant and her children. It is also pointed out by learned counsel for the informant that petitioner is not desirous to keep complainant with love and dignity.

6. In view of aforesaid factual and legal submission and by taking note of fact as allegation *qua* mental and physical cruelty appears very much general and omnibus in nature, accordingly petitioner above-named, in the event of



his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st Katihar/concerned Court, where the case is pending in connection with C.A. Case No. 451 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

7. Complainant is free to approach concerned Family Court for maintenance of herself and her children, in accordance with law.

(Chandra Shekhar Jha, J.)

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