

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68648 of 2024**

Arising Out of PS. Case No.-1038 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Saheb @ Md. Saheb @ Nunwa S/O Anwar Resident of Village- Bijhot, P.S-
Harischandrapur, District- Maldah (W.B)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mursalin Khatoon D/O Hamidur Rahman, W/O Saheb @ Nunwa R/O
Village- Malikpur, P.O- Nemol, P.S- Azamnagar, Distt.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Md. Musowir, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Complainant	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-01-2026 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the complainant/Opposite Party No. 2.

3. The petitioner apprehends his arrest in a complaint
case registered for the offences punishable under Section 498A
of the Indian Penal Code and Sections 3 and 4 of the Dowry
Prohibition Act.

4. The prosecution case, in nutshell, is that marriage
of the complainant was solemnized with this petitioner as per
Muslim rites and rituals on 16.10.2014. It is alleged that after
marriage, all the accused persons named in the complaint



petition, including this petitioner, subjected the complainant to torture and harassment due to non-fulfillment of demand of dowry and subsequently, ousted her from her matrimonial house.

5. It is submitted on behalf of petitioner that petitioner is quite innocent and has committed no offence. Petitioner has falsely been implicated in this case merely because happens to be husband of the complainant and present case has been lodged due to petty family dispute. There are general and omnibus allegations. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, learned counsel for the petitioner has relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**. Petitioner claims clean antecedents.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of petitioner.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean



antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, 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 learned S.D.J.M., Katihar in connection with C.A. Case No. 1038 of 2021, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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