

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28032 of 2014

Arising Out of PS.Case No. -324 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Babar Alam @ Md. Babar, Son of Md. Iqubal, Resident of Village -
Jadwa, Police Station - Bhawanipur, Distt. - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubana Khatoon, Wife of Bakar Alam, Daughter of Md. Afrar, Police
Station - Bhasaipur, Distt. - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nazir Ansari (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 08-01-2015 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks the privilege of pre arrest bail
in connection with Complaint Case No. 324 of 2012 registered
for the offence under Sections 498A, 323, 504 of the Indian
Penal Code.

Allegedly, the petitioner being the husband after
marriage brought the complainant at the place of her sister's
where they used to torture her in connection with further
demand of Rs. 1,000,00/- and due to non-fulfillment of the
demand the petitioner and in-laws ousted the complainant
from their house.

Submission is that the petitioner is ready to keep

her and for that he has filed suit for restitution of conjugal life bearing Case No. 65 of 2012, in which in spite of notice, the complainant has not appeared which indicates the falsity of complaint case and the petitioner is a student to which the learned APP opposes.

Considering that the petitioner is the husband and there is specific allegation against him for demanding further amount of Rs.1,000,00/- and due to non-fulfillment ousted her from the in-laws house and as such this Court is not persuaded to grant the privilege of pre arrest bail to the petitioner and accordingly, his prayer for anticipatory bail stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail, then his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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