

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28522 of 2014

Arising Out of PS.Case No. -15 Year- 2014 Thana -BAHADURPUR District- PATNA

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1. Asfar Alam Son of Md. Slauddin Resident of Mohalla - New Azimabad Colony (West), P.S. - Bahadurpur, Dist. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

2. Tasneem Naz W/o - Afsar Alam D/o - Neyaz Ahamd Resident of Mohalla - Faiz Compund, Pathantoli, Alamganj, P.S. - Alamganj, Dist. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

10 01-07-2015 Heard the Counsels for the petitioner and the complainant.

Petitioner being husband is facing accusations punishable under Section 498A/34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The allegation is that he was married to the complainant in the year 2008 whereafter a daughter was born. The petitioner started torturing her physically and mentally in order to have further dowry and ultimately she was ousted forcibly from the matrimonial home.

Considering the stand taken by the petitioner, this Court issued notice to the complainant and granted interim protection on 8.12.2014. From previous orders, it appears that an

effort was made to reconcile the dispute between them which, however, failed. It has been stated on behalf of the petitioner that he is ready and willing to allow the wife to live with him and to maintain her as well as the daughter.

Counsel for the complainant draws attention of the Court to order dated 28.6.2014 passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No. 682 of 2011 whereby after hearing the parties interim maintenance in the sum of Rs. 3,000/- per month (Rs. 2,000/- for wife and Rs. 1,000/- for the daughter) was allowed besides a sum of Rs. 15,000/- as litigation cost. It has been submitted on behalf of the complainant that not a single installment of the amount as directed by the Family Court has been paid. The petitioner was granted time to take instruction on that point.

Counsel for the petitioner has stated that the petitioner has not paid any installment of interim maintenance.

These facts persuade this Court not to grant the privilege of anticipatory bail to the petitioner. Prayer is, accordingly, rejected.

(Kishore Kumar Mandal, J)

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