

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48793 of 2014

Arising Out of PS.Case No. -259 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

Izrail Mian S/o Late Habibullah Mian R/o village - Semra Khas, P.S.
Turkaulia, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Mehnaz Khatoon D/o Late Amin Mian R/o Village - Chailaha Tal, P.S.
Banjaria, District - East Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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

2 23-04-2015 Heard learned counsel for the petitioner as well as
learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 498 A/34 of the I.P.C and section 3 of the Dowry Prohibition Act.

The informant was married with this petitioner nine years before but out of wedlock there was no issue resulting the petitioner and others started harassing and torturing the informant and further caused threat to solemnize second marriage. Panchayati was also convened but in vain and one year before this petitioner and his family members ousted the informant from in-

laws house and threatened to bring one motorcycle and cash of Rs. 50,000/-. It is also alleged that the petitioner has arranged second marriage with Rabaiya Khatoon and when about that the petitioner was asked then the informant was ousted from in-laws house after being assaulted.

Submission is of false implication. All the allegations are totally false. The petitioner is still ready to keep the informant as his wife with all respect, but she does not want to live with the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

Considering the allegation attributed against the petitioner and further considering his position that he is the husband and mainly responsible for miserable life of the informant and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Turkaulia P.S. Case No. 259 of 2014/ G.R. No. 1946 of 2014 pending in the court of C.J.M. Motihari.

(Jitendra Mohan Sharma, J)

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