

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34477 of 2014**

Arising Out of PS.Case No. -323 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-  
WESTCHAMPARAN(BETTIAH)

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1. MD. RIZWAN son of late Hasnuddin Ahmad , resident of village -  
Fataha ,P.S.- Gopalganj, District -Gopalganj,

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Mahmood Ahmad , son of late Rasid Ahmad, resident of Mohalla -  
Baswariya Daroga Tola , P.S. Bettiah Nagar , District - West Champaran .

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Dinesh Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
ORAL ORDER

2      16-02-2015                      Heard learned counsel for the petitioner as well as  
  
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with  
  
Complaint Case No. 323 C of 2012 registered for the offences  
  
punishable under Sections 498A of the Indian Penal Code and 4 of  
  
the Dowry Prohibition Act.

From perusal of complaint petition, it appears that the  
  
marriage of victim was solemnized with the petitioner in the year  
  
2009 and after some time of the marriage petitioner went abroad  
  
furthermore, I find that in absence of petitioner his family  
  
members demanded dowry and tortured the complainant.

Moreover, when the petitioner returned from abroad, the complainant made attempt to pacify the dispute of petitioner and victim but could not succeed and thereafter the present case was filed.

The contention on behalf of the petitioner is that the victim, herself, does not want to lead her conjugal life with the petitioner, which is evident from perusal of impugned order of Session Judge and moreover, petitioner had already filed Divorced Case no.161 of 2011 against the victim.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran, Bettiah in Complaint Case No. 323 C of 2012, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Hemant Kumar Srivastava, J)**

Namita/-

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