

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11008 of 2015

Arising Out of PS.Case No. -471 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

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Waquar Ahmad @ Chand Babu son of Late Jafir Ahmad Resident of
Village/Mohalla - Asraha, P.S. - Kewati, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 02-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 498A and other sections of the Indian Penal Code and
Sections 3/4 of Dowry Prohibition Act.

Safiya Khatoon Noori, the wife of the petitioner,
made allegations that the petitioner subjected her to physical and
mental torture and drove her out from the house due to non-
fulfillment of dowry. Sri Ajay Kumar Thakur, learned counsel for
the petitioner, submits that the petitioner divorced his wife. A
notice was also given to the wife from Darul Qaza Imarat Shariah,
Darbhanga claiming that the petitioner has already divorced his
wife. The wife also replied but thereafter the wife filed this case
making false allegations of demand of dowry and torture.

On the other hand, learned counsel for the informant

submitted that divorce was not given in accordance with law. The ground of divorce is that the informant is insane and she is suffering from schizophrenia, but she was never medically examined. The petitioner is not ready to keep the informant on the ground that she has already been divorced.

Considering the facts that the petitioner, although claims to have divorced his wife but the informant denied of being divorced, is not ready to keep his wife, I am not inclined to enlarge the above named petitioner on anticipatory bail in Darbhanga Sadar P.S. Case No. 471/14. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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