

Arising Out of PS.Case No. -987 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

.... Petitioner/s

1. The State of Bihar
2. Sarbari Khatoon W/o Md. Nazim, R/o Village- Shankarpur, P.S.- Sursand, District- Sitamarhi

.... Opposite Party/s

For the Petitioner/s : Mr. Dinesh Jha
For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

The petitioner being husband of the daughter of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the daughter of the complainant Nazra Khatoon on 06.01.2011 and birth of a male child. It is further submitted that daughter of the complainant went to her parents' house on 27.06.2014 and thereafter she did not return leaving infant child with the petitioner. It is claimed that daughter of the complainant eloped with her brother-in-law Md. Zauhar and residing with

him at Anand Nagar, Ahmadabad. A statement to that effect has been made in para 13 of the petition which reads as follows:-

“That the complainant’s

daughter herself has fled away from the matrimonial house after leaving her child and is living with her brother-in-law(sister’s husband) at Anand Nagar, Ahmadabad and under a conspiracy with view of blackmailing purpose, is not coming here”

It is also submitted that the police after investigation found the case as mistake of fact. It is relevant to state here that initially Complaint Case No. 1179 of 2014 was filed which was subsequently registered as Bathnaha P.S. Case No. 205 of 2014 for the offences punishable under Sections 498A, 364/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. Subsequently on complaint-cum-protest petition the order of cognizance has been taken under Section 498A of the Indian Penal Code. During investigation the independent witnesses have also suggested that complainant’s daughter is residing with her brother-in-law at Anand Nagar, Ahmadabad since father of the petitioner is suffering from leprosy and the minor child is still with the petitioner. The petitioner is still ready to keep the daughter of the complainant with dignity and respect. A statement to that effect has been made in para 14 of the petition which reads as follows:-

“That story of demand of dowry and torture for non-fulfilment for the same is completely false and baseless rather the petitioner is ready to keep his wife(complainant’s daughter) with full dignity and respect”

It is submitted by learned counsel for the complainant that the victim is still traceless.

Considering the fact that accusation was not found true leading to submission of final form and subsequently on the basis of protest-cum-complaint the cognizance has been taken, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Complaint Case No. C-1/987 of 2015.

(Dinesh Kumar Singh, J)

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