

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9978 of 2016

Arising Out of PS.Case No. -9 Year- 2013 Thana -MAHILA PS District- DARBHANGA

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Md. Phul Hassan, S/o Md. Moharram, Resident of Vill.- Khabna, P.S. Bahera, Dist. Darbhanga.

.... Petitioner/s

Versus

1. State of Bihar
2. Aameena Khatoon, W/o Md. Phul Sassan, D/o late Azeej Sah, Resident of Village Maina Rahika, P.S. Manigachi, Dist. Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-06-2016

Heard both sides.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 9 of 2013 registered for offences punishable under Sections 341/323/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per allegation, the petitioner has subjected his wife/Informant to physical and mental torture on account of non-fulfillment of the demand of dowry.

Learned counsel for the petitioner has submitted that the petitioner is ready to keep the Informant with him as his wife.

Learned counsel for the Informant has submitted that the petitioner has already solemnized the second marriage.

It appears that the petitioner had earlier taken

anticipatory bail on a condition of payment of Rs. 3,000/- per month to his wife for her maintenance in the year 2013 but the petitioner neither surrendered nor made payment of maintenance to his wife. The petitioner again moved for anticipatory bail before the learned Sessions Judge but, the same was also rejected. The petitioner has made his third attempt and, by the impugned order, learned Sessions Judge has rejected the prayer for anticipatory bail.

Considering the facts aforesaid and the fact that the petitioner has assaulted his wife and also has not paid any amount to his wife for her maintenance, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner, namely, Md. Phul Hassan is rejected.

(Prabhat Kumar Jha, J)

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