

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2847 of 2016

Arising Out of PS.Case No. -71 Year- 2014 Thana -MAHILA P.S. District- BHAGALPUR

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Md. Zafar son of Md. Idrish

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasreen wife of Md. Zafar, daughter of Sher Ali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-02-2016 Heard learned counsels for the petitioner, informant
and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand. Earlier also the informant filed Complaint Case No.1381/2011 wherein the petitioner was granted provisional anticipatory bail on the ground that he will keep the complainant with dignity and honour but thereafter burn injury was caused to her. Consequently, the present FIR was registered.

It is submitted by learned counsel for the petitioner

that the petitioner admits his marriage with the informant and birth of a child from the wedlock. In fact, the informant herself deserted the petitioner, hence, the petitioner performed second marriage and the second wife has also lodged a case against the petitioner levelling accusation under section 498A IPC.

Considering the aforesaid facts, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Bhagalpur Mahila P.S. Case No.71/2014, pending before the SDJM, Bhagalpur.

With the above observation, this application is, accordingly, disposed off.

Ashwini/-

(Dinesh Kumar Singh, J)

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