

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14830 of 2017

Arising Out of PS.Case No. -2300 Year- 2014 Thana -GOPALGANJ
COMPLAINT CASE District- GOPALGANJ

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Mustafijur Rahman @ Imran Ali, son of Late Amirain, resident of village-
Domhata, P.S.- Manjhagarh, District- Gopalganj (Bihar) Petitioner
Versus

1. The State of Bihar.
 2. Najiya Khatoon, wife of Imran Ali, resident of village- Domhata, P.S.-
Manjhagarh, District- Gopalganj (Bihar) Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Ashish Giri, Advocate
For the Opposite Parties : Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

3 07-07-2017 The petitioner apprehends his arrest in a case under sections 498A and 406 of the IPC and under sections 3/4 of the Dowry Prohibition Act.

Allegation in the complaint is that the petitioner asked for sum of Rs.1 lakh at the time of marriage and even after marriage tortured her for non-fulfillment of dowry amount.

The petitioner, apart from other grounds, has disputed the factum of marriage. Leaned counsel for the appellant submits that his real name is Mustafijur Rahman son of Late Amirain but in the complaint he has been described as Imran Ali. In support of the submission, learned counsel has referred to the Voter card issued by the Election Commission of India as well as the Admit card, Mark sheet and the Registration card issued by the Bihar School Examination Board, Patna. Copies of the documents have been annexed to this petition. He next submits that the complainant in stead of filing an FIR before the police, has straightway filed a complaint case.

Learned counsel for the complainant opposes the prayer



for bail. He submits that the complainant has been duly married with the petitioner and the latter tortured her for non fulfillment of dowry.

In the facts of the case, the Court passes following order:-

If the petitioner as mentioned above surrenders within four weeks and the complainant appears and files compromise petition, he would be released on bail on furnishing bail bond to the satisfaction of the learned Magistrate. In case, the complainant/opposite party no.2 does not file a compromise petition, the bail petition would be disposed of on its own merit preferably on the same day without prejudice. Petitioner would be at liberty to take all the points raised before this Court.

In the meantime, no coercive steps would be taken against the petitioner in Complaint case no. 2300 of 2014/Tr No.2644 of 2016 pending in the court of the Sub Divisional Judicial Magistrate, Gopalganj.

(Samarendra Pratap Singh, J)

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