

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1674 of 2017

Arising Out of PS.Case No. -475 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Badruzzma @ Md. Gulab S/O Md. Aslam, R/O Village- Haridularpur, P.S.
Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nazani Khatoon W/O Badruzzma @ Md. Gulab A/P- D/O Niyaz
Ahmed R/O Village- Pathanpura, P.S. Sursand, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 30-03-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Complaint Case No. 475 of 2015 for the offences punishable under sections 323 and 498 (A) of the I.P.C and section 3 of the Dowry Prohibition Act.

The complainant Nazani Khatoon was married to the petitioner five years ago and after the marriage she was being tortured for not bringing the dowry and they demanded cash of Rs.1,00,000/- and milking she-buffalo and due to non fulfillment she was being tortured. However, the father of the complainant gave Rs. 15,000/- to the petitioner but inspite of that she was being



tortured and assaulted. Out of the wedlock there is a son and one daughter and on the date of occurrence i.e. 22.09.2015 she was assaulted brutally and ousted from the in-laws house after snatching all her ornaments and cloth etc. valuing Rs. 1,00,000/-.

Submission is of false implication and that the petitioner is ready to keep the complainant as his wife with owner and dignity but she has not turned up and in the learned court below also she has not turned up. In the S.A. she has stated that she is living with her mother for 20-25 days and during the court question she has stated that her husband is at Delhi for one month, so there was no question for the petitioner to assault her and the petitioner was not present on the date of occurrence, he was at Delhi and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering that the complainant is not turning up and in her S.A. it has come that the petitioner was residing at Delhi for the last one month and as such presence of the petitioner on the date of occurrence becomes doubtful and as such the petitioner, in case of his arrest or surrender within four weeks from the date of



receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. S.D.J.M. Pupri at Sitamarhi in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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