

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26862 of 2014

Arising Out of PS.Case No. -20 Year- 2011 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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Md. Amjad, Son of Md. Muslim, resident of village - Sonbal, P.S. Riga,
District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mah Jabin, daughter of Kamrul Hoda, Kasami alias Kasim Ali, at-Murli,
P.S. Dhaka (Panchakati O.P.), District-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

11 10-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Dhaka P.S. Case No.20 of 2011 registered under Sections 498A,
406 and 120-B of the Indian Penal Code besides Sections 3/4 of
the Dowry Prohibition Act.

The allegation of the complainant/informant/opposite
party no.2 is that her father used to do the work at Delhi and due
to that reason, she time to time also used to go and come to Delhi.
The father of the petitioner also used to do the work at Delhi. The
Nikah of the opposite party no.2 was performed with the petitioner



on 17.08.2007 at Delhi. At the time of Nikah of the opposite party no.2, one Hero Honda Motorcycle, cash and other articles were given to the petitioner but, in spite of that, after her Nikah, the accused persons, under conspiracy with each other, started to make demand of Rs.5,00,000/- to purchase the land at Delhi. Thereafter, on 15.07.2008, the father of the opposite party no.2 gave Rs.5,00,000/- to the father of the petitioner. The father of the petitioner had promised to the opposite party no.2 to return the aforesaid amount. After some days, he did not purchase the land and when the father of the opposite party no.2 asked to return the money, the accused persons became in furious and started to torture the opposite party no.2 and her family members and sent the anti social elements to the house of the opposite party no.2, who on reaching there started to abuse and give threatening and started to make demand of Rs.1,00,000/- and four wheelers vehicle for her Rukhshati. Due to that reason, the opposite party no.2 started to reside at her parental village at Murli.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is the husband of the opposite party no.2. The opposite party no.2 herself is not ready to live with the petitioner. The petitioner has also filed a Petition No.198 of 2010 in the court of the Civil Judge (West), Tis Hazari Courts,



Delhi, against the opposite party no.2, for restitution of conjugal right, detailing about filing of a petition numbered as 35 of 2011 by the opposite party no.2 for dissolution of marriage in the Family Court, Motihari, Bihar, in which the opposite party no.2 has also appeared on 02.04.2011. The petitioner is still ready to keep his wife/ O.P. No.2 with full honour and dignity.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, in connection with Dhaka P.S. Case No.20 of 2011, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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