

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5303 of 2017

Arising Out of PS.Case No. -1177 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Md. Istakhar Shah @ Istakhar Shah Son of Jaabeer Shah, Resident of Mohalla-Ujjain Tola, Bettiah Police Station-Bettiah Town District-West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarina Khatoon Wife of Istakhar Shah, Resident of Mohalla-Ujjain Tola, Bettiah, Police Station-Bettiah Toan. District-West Champaran and daughter of Md. Basarat, Resident of Village-Parsa rai tola, POLice Station-Majhauriya, District-West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Dr. Indivar Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017 The petitioner is apprehending her arrest in connection with Complaint Case No. 1177C of 2015, registered for offences punishable under Sections 323 and 498A of the Indian Penal Code.

It has been submitted on behalf of the petitioner that only false allegations have been made against the petitioner and the complainant, out of her own sweet will left the house of the petitioner and performed the second marriage. It has further been submitted that prior to filing of the present case, the petitioner had already filed a divorce petition in the Family Court, Bettiah.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and



circumstances of the case, and also the fact that the petitioner himself in para 9 of his bail petition has mentioned that the petitioner is willing to keep the complainant and in para -10, he has mentioned that the petitioner has already given triple talak to the complainant and in paragraph – 11 of the bail petition, it is mentioned that the petitioner had filed a divorce case being Divorce Case No. 323 of 2014 pending in the Court of learned Principle Judge, Family Court, Bettiah.

This Court finds inconsistency in the stand of the petitioner. On merit there is allegation against the petitioner of demand of dowry and due to non fulfillment of the said demand, he used to torture the complainant, as such, I am not inclined to grant the petitioner the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioner surrenders before the Court below and pray for regular bail, his application shall be considered by the Court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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