

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10241 of 2015

Arising Out of PS.Case No. -699 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

=====

Md. Mobin Alam, son of Md. Mushtaque Alam, Resident of village-
Bhelaganj, P.S.- Jokihat, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Naseh Anjum @ Bibi Rumi D/o Md. Nasimuddin W/o Md. Mobin
Alam, at present resident of village- Macchela Kelabari, P.S.- Mahalgaon,
Dist- Araria

... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 08-12-2017 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Petitioner seeks quashing of cognizance order dated
24.08.2013 passed by the Sub Divisional Judicial Magistrate,
Araria in Complaint Case No. 699C of 2013 thereby taking
cognizance of offence under Section 498A of I.P.C. against the
petitioner.

Allegation in brief is that complainant married the
petitioner in the year 2010 but after marriage, he was not happy
with dowry and other articles given in the marriage, so started
making demand of further dowry and started torturing and
assaulting her, ultimately ousted her from matrimonial home in the
year 2011.



Learned counsel for the petitioner submits that in the anticipatory bail application, while granting provisional anticipatory bail to the petitioner, the Court directed to pay Rs. 75,000/- of *Dain Mehar* and the same was paid by the petitioner and now complainant has got married to some other person.

Having considered submission of the learned counsel of the petitioner, it does not make out a case for setting aside the criminal proceeding as well as cognizance order for the reason that the allegations made in the complaint against the petitioner, who happens to be the husband, do make out a *prima facie* case under Section 498A of I.P.C. So, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

U		T	
---	--	---	--

