

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.895 of 2017

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Md. Akbar Son of Noorul Hasan Resident of Village - Bansar, P.S. Sri Nagar, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nabija Khatun D/o Faijuddin Resident of Village - Ikra, P.S. Bousi, District - Arariya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 21-03-2017 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 C.A. Case No. 4284 of 2014 for the offence punishable under section 498 (A) of the I.P.C.

The complainant was married to the petitioner and the brother of the complainant was married to the sister of the petitioner. When the complainant went to her in-laws house the petitioner and others demanded milky she- buffalo and cash of Rs. 2,00,000/- and due to non fulfillment of demand she was being tortured. The complainant informed this fact in her Maikhe. The



brother of the complainant has been kept as Gharjamai. The complainant was assaulted brutally resulting bleeding started from her private part and it was suspected that the pregnancy will be terminated and then she was brought to her Naihar and at the time of her going they took her thumb impression and also from the father of the complainant and then she was allowed to come. The petitioner and others did not take any care. She was treated in Purnia Hospital but nobody came to see her and as such being frustrated the complainant filed this case.

Submission is of false implication and that this case has been filed on 28.11.2014, whereas, on 11.06.2014 itself the complainant has already given divorce to her husband (petitioner), vide Annexure- 2/1, in presence of Surpunch of Gram Katchery, Raj Ghaghri and as such the petitioner being falsely implicated deserves sympathetic consideration, inspite of notice the complainant has not appeared which goes to show that she has got no interest in this case.

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

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to the petitioner



and accordingly his such prayer stands rejected in connection with
the aforementioned case pending in the court of S.D.J.M. Purnea.

(Jitendra Mohan Sharma, J)

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