

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10832 of 2017

Arising Out of PS.Case No. -330 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

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Md. Sayeed Alam, Son of Abdul Rashid, Resident of Village – Bandri,
Police Station – Guraru, District – Gaya (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. Asmat Mobin, W/O Md. Sayeed Alam, D/O Md. Jamiruddin, R/O
Village – Bandari, P.S. – Guraru, District – Gaya, at present village –
Pararia, P.S. – Tekari, District – Gaya (Bihar)

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Saket Tiwary, Advocate.

For the Opposite Parties : Mr. Manoj Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-03-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 330 of 2015, registered for the offences punishable under Sections 498(A), 323, 379 and 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

The complainant alleged that she was married to the petitioner in the year 2002 and she gave birth to two children but thereafter the petitioner started assaulting her due to non-fulfillment of demand of Rs. 2 lakhs. The complainant further alleged that on 05.02.2015, she was brutally assaulted and driven out from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner divorced his wife on 05.02.2015 in presence of Md.



Halim and Nasima Khatoon and there is no question of keeping his wife. According to Islamic Law the husband cannot keep his divorced wife. The petitioner is ready to settlement of the dispute with regard to payment of maintenance and others, but it appears that the complainant made specific allegation that it was the petitioner who brutally assaulted her and drove her out from the house due to non-fulfillment of additional demand of dowry. The complainant denied that she was divorced by her husband and the petitioner is not ready and willing to keep his wife.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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