

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7688 of 2019

Arising Out of PS. Case No.-550 Year-2017 Thana- HAJIPUR District- Vaishali

Md. Taj Kuraishi Md. Kaisar Quraishi @ Kaishar @ Kaish Kuraishi Resident
of Village - Phulwari Sharif

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayisha Khatoon, W/o Taj Quraishi, R/o Village – Jadhua, P.S. Hajipur
Nagar, District Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 11-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection
with Hajipur P.S. Case No. 550 of 2017, registered under
Sections 498(A)/354/34 of the Indian Penal Code.

The allegation against the petitioner, as per FIR, is
that the petitioner along with other accused persons assaulted
the informant mentally and physically due to non-fulfillment of
demand of dowry.

Learned counsel for the petitioner submits that the
petitioner is ready and willing to keep the informant/O.P. No.2
as his wife, but informant/O.P. No.2 is not willing to live with



the petitioner, inasmuch as during the proceeding before learned Mediator, she did not appear regularly. He further submits that informant/O.P. No.2 is in habit of lodging case against the petitioner one after another, inasmuch as earlier complaint bearing C1-2248 of 2016 under Section 498(A) of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act was lodged by the informant/O.P.No.2 against the petitioner, which is abuse of process of law and immediately after 2nd the present case under Section 498(A) has been lodged by way of present FIR vide Hajipur Town PS. Case No. 550 of 2017.

Learned counsel for the petitioner submits that in earlier case settlement was arrived between the parties and sum of Rs. 4,000/- per month is being paid to the informant/O.P. No.2 by the petitioner.

On the other hand, learned counsel for the informant/O.P. No.2 vehemently opposes the prayer for anticipatory bail submits that the petitioner and his family members used to torture the informant/O.P. No.2 due to non-fulfillment of dowry and does not deserve the privilege of anticipatory bail.

After having heard learned counsel for the parties and taking into consideration the fact that the informant/O.P. No.2



had earlier filed case under Section 498A alleging therein that she was ousted from her matrimonial house and again 2nd FIR has been lodged under Section 498A of Indian Penal Code alleging torture mentally and physically by the petitioner, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur in connection with Hajipur (Town) P.S. Case No. 550 of 2017; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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