

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8691 of 2019

Arising Out of PS. Case No.-2187 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Nadim Akhtar S/o Abdul Sami R/o Village- Rampur, P.S.- Warisnagar,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Shabnam Parveen D/o Abdullah R/o Village- Chhapra, P.S.- Baruraj,
District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 29-07-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

opposite party no.2.

The petitioner apprehends his arrest in connection
with Muzaffarpur Complaint Case No.2187 of 2016 registered
under Sections 323, 406, 354(B), 498(A)/34, 120(B) of the
Indian Penal Code besides Sections 3 and 5 of the Immoral
Traffic Prevention Act, 1956, pending in the court of the Sub
Divisional Judicial Magistrate (East), Muzaffarpur.

The accusation is of torturing the opposite party no.2
by her husband (petitioner) and other in-laws for non fulfillment
of the dowry demand of cash Rs.5,00,000/- and one four



wheeler and also removing the opposite party no.2 from the matrimonial house by snatching her personal belongings.

Learned counsel appearing on behalf of the petitioner submits that, in fact, earlier, the opposite party no.2, who is the wife of the petitioner, had filed a complaint case regarding the offence under Section 498(A) of the Indian Penal Code against the petitioner and others. Later on, the aforesaid case was compromised and the opposite party no.2 came at her matrimonial house but she again left her matrimonial house and filed the present complaint case within five months.

On the other hand, learned counsel for the opposite party no.2 submits that, earlier, on the joint prayer, the matter was referred to the Mediation and Conciliation Centre, Patna High Court, Patna, for mediation and settlement of the dispute in between the petitioner and the opposite party no.2 but the petitioner did not appear before the Mediation and Conciliation Centre, Patna High Court, Patna, while the opposite party no.2 was present on two dates and, ultimately, the dispute could not be settled in between the petitioner and the opposite party no.2.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.



Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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