

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16443 of 2019

Arising Out of PS. Case No.-307 Year-2017 Thana- KOILWAR District- Bhojpur

MD. MEHNAJ, Son of Md. Seraj @ Seraj Shah, Resident of Village -
Gonpura, P.S- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farjana Khatoon, Wife of Md. Mehnaj aged about 22 years, resident of Sakin Birpur, P.S.- Koilwar, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sayed Imran Ghani

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 12-07-2019 The petitioner apprehends his arrest in connection with Koilwar P.S. Case No. 307 of 2017 registered under Sections 323, 341, 379, 498A and 504/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The prosecution story, as per statement made in complaint case, is that complainant married with the petitioner on 11.04.2015 as per Islamic rites in which *Mehar* (dowry) was given. It has further been alleged that after marriage, petitioner, who is husband, started torturing complainant physically and mentally for less payment of dowry and pressurized her to arrange Rs. One lac from her mother and brother as dowry and told complainant to build a room near the washroom and live there.



Learned counsel for the petitioner submits that allegation made in the complaint is general and omnibus in nature and no specific allegation of torture is there. Learned counsel further submits that the fact of the matter is that petitioner is not very good looking and complainant is not willing to live with the petitioner and for which a Panchayati was held on several occasions between the parties but complainant/informant is not ready to live with the petitioner. Learned counsel, further referring to para-9 of the application, submits that petitioner is willing to keep the informant with all due respect and dignity.

Despite issuance of notice to O.P. No. 2, nobody appeared on behalf of the O.P. No. 2 before this Court though Vakalatnama on her behalf having been filed. On 12.06.2019, when the matter was listed, nobody had appeared on behalf of O.P.No. 2 and day before yesterday also, when the matter was called out, nobody appeared on behalf of O.P.No. 2. Today also, nobody is appearing on her behalf.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that before the Sessions Judge also, nobody had appeared on behalf of O.P.No. 2. It appears that O.P.No. 2 is not interested in reconcillation in the matter



and taking into consideration the fact that petitioner is ready to keep the informant with all respect and dignity, I am inclined to grant privilege of anticipatory bail to him. Accordingly, let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, 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, Bhojpur in connection with Koilwar P.S. Case No. 307 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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