

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19740 of 2019

Arising Out of PS. Case No.-105 Year-2016 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Abbad Hassan @ Rizwan Hasan, Son of Late Master Zainul Abdin Resident
of Village- Kazi Mohalla, P.S.- Jaleyy, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Irfana Khatoon @ Saila Wife of Abbad Hassan @ Rizwan Hassan R/o Jaleyy,
P.S.- Jaleyy, District - Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shama Sinha

For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

7 26-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case bearing T.R. No.2785 of 2018 arising out of
C.R. No.105 of 2016 in which cognizance has been taken under
Section 498A of IPC read with Section 3/4 of Dowry Prohibition
Act.

The allegation against the petitioner as per the
complaint lodged by Opposite Party No.2 that marriage of the
complainant was solemnized with the petitioner in the year
1992. It has further been alleged that after the marriage,
demand of Rs. 2,00,000/- was made by the petitioner from the



complainant and due to non-payment of the same, the complainant was subjected to cruelty and assaulted by the petitioner. It has further been alleged that on 10.01.2016, petitioner demanded Rs. One lakh and tortured the complainant due to non-fulfillment of his demand and tried to set her on fire by pouring kerosene and subsequently, thrown the complainant out from her home.

Mrs. Shama Sinha, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in a complaint lodged with *mala fide* intention inasmuch as the marriage was solemnized in the year 1992 and after lapse of about 24 years, the present complaint has been filed alleging torture and harassment to the complainant for non-fulfillment of demand of dowry. Learned counsel further submits that petitioner had been working in Dubai for last many years and out of wedlock, four children have taken birth and petitioner has maintained all the children and his wife all along this period. Learned counsel further submits that petitioner is willing to keep his wife, i.e., Opposite Party No.2 but it appears that complainant is not willing to live with the petitioner.

On the other hand, Ms. Nivedita Nirvikar, learned counsel appearing for the complainant-Opposite Party No.2



submits that the father of the complainant-Opposite Party No.2 had transferred a piece of land in her favour bearing Khata No.965, Khesra No.12510 to 12511 and Khata No.75 Khesra No.13018 having a total area of one katha 5 dhur in village Ghatari, P.S.-Jale, District-Darbhanga. Learned counsel further submits that petitioner is not allowing the complainant and her child to reside in the land and house given to the Opposite Party No.2 by her father by way of registered sale deed. Learned counsel submits that if the petitioner will allow the Opposite Party No.2 to reside in the said house situated on the aforesaid land along with her children, the complainant has no objection if the petitioner is released on bail.

On the other hand, learned counsel for the petitioner submits that petitioner has apprehension that complainant-Opposite Party No.2 is under the influence of some other persons and there is a possibility that she will sell the land in favour of other. Learned counsel for the Opposite Party No.2-complainant on instruction of complainant submits that the complainant-Opposite Party No.2 undertakes not to sell the land and the House in question to third party and she will only reside along with her children therein.

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 both the parties have agreed to maintain harmony in the family and has agreed that petitioner will allow Opposite Party No.2-complainant to reside in the house situated upon the above-mentioned land along with her children, I am inclined to grant anticipatory bail to the petitioner.

In view of the above-mentioned facts and circumstances of the case, let the provision bail granted by this Court vide order 03.04.2019 be confirmed, subject to terms and condition as aforesaid and the bail bond furnished by the petitioner earlier shall be treated to the bail bond furnished by the petitioner pursuant to this order.

(Anil Kumar Sinha, J)

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