

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16954 of 2019

Arising Out of PS. Case No.-750 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Anas Ahmad Son of Md. Mokhtar Ahmad, Resident of Village - Saharsa
near Jagdamba Petrol Pump, Ward no.38, P.o- Saharsa, P.S.- Nagar, Distt.-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2019 Heard both sides.

The petitioner apprehends his arrest in Mufassil
(Lakho) P.S. Case No.750 of 2018 registered under Sections
498(A) and 34 of the Indian Penal Code and under Section 3/4 of
the Dowry Prohibition Act.

The petitioner is husband. The wife of petitioner made
allegation that after her marriage, the petitioner and his family
members subjected her to all sorts of torture due to non-
fulfillment of additional demand of dowry. It is further alleged
that she was not allowed to live in her husband's house.

Learned counsel for the petitioner submits that the
present case was lodged on 15.12.2018 prior to institution of the
complaint case. The petitioner filed Complaint Case No.1149 C



of 2018 alleging therein that the wife of petitioner fled away after taking all valuable belongings from the house of petitioner. It is further submitted that the wife of petitioner sent all sorts of vulgar messages to the petitioner through her mobile which are annexed as Annexure 3 series to the bail petition. The petitioner is still ready to keep his wife but it appears that the wife of petitioner does not want to live with the petitioner. She wants to extort money.

On the other hand, learned counsel for the informant and learned A.P.P. vehemently oppose the prayer for anticipatory bail of the petitioner and submit that the informant filed maintenance case in which the petitioner was directed to pay maintenance to his wife. The petitioner fails to pay maintenance and thereafter Distress Warrant has already been issued against him. Thus, the petitioner does not deserve anticipatory bail.

Having considered the facts that the informant lodged the case making all sorts of allegation against her husband but prior to institution of the present case, the petitioner filed complaint case against his wife alleging therein that his wife left his house along with valuable belongings and the messages sent by the informant (Annexure 3 series) show that the informant



used all sorts of vulgar language against her husband, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Mufassil (Lakho) P.S. Case No.750 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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