

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23708 of 2019**

Arising Out of CA Case No.-1681 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Jiyaul Haque @ Md Jiyaul aged about 25 years Male, Son of Md Mukhtar,
Resident of village- Mansahi, P.S.- Mansahi, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tajkira Khatun, aged about 20 years Wife of jiyaul Haque, D/O Mojibur Rahman, Resident of Village- Mansahi, P.O. and P.S.- Mansahi, District- Katihar, At Present residing at village- Gaugachhi, Muslim Tola, P.O. Kantakosh, P.S.- Mansahi, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate
For the State : Mr. Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-08-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
CA Case No. 1681 of 2017 filed on 01.08.2017 under Sections
498A of the Indian Penal Code and 3/4 of the Dowry Prohibition
Act.

3. The petitioner, who is the husband of opposite party
no. 2, along with four others is an accused in the complaint case
filed by her alleging demand of dowry and torture. It has also been
alleged that the petitioner has married accused no. 5 (Sahnaj).



4. Learned counsel for the petitioner submitted that he is still ready to keep the opposite party no. 2 with him but she is not ready to come back and thus the allegations are concocted and false.

5. Learned APP submitted that in the complaint itself, it has been alleged that the petitioner has married accused no. 5. At this juncture, when the Court called upon learned counsel for the petitioner to ascertain as to whether he has married the accused no. 5, learned counsel admits to such fact.

6. Learned APP further submitted that once within a few months of the petitioner having married the opposite party no. 2, him not taking any steps to get the opposite party no. 2 back and further having remarried, itself shows that the allegations levelled by the opposite party no. 2 in the complaint are not false and frivolous.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. The interim provisional bail granted to the petitioner earlier by order dated 16.04.2019 stands withdrawn. The bail



bonds of the petitioner stand cancelled. He shall surrender before
the Court below within one week from today.

(Ahsanuddin Amanullah, J.)

P. Kumar

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