

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26609 of 2019

Arising Out of PS. Case No.-713 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Reyajul Ansari, Son of Abulhasan Ansari, Resident of Village-Hingalhar, P.S.-Sathi, District -West Champaran.
 2. Aamna Khatoon, W/o Late Mojahir Miyan, Resident of Village Hingalhar, P.S. Sathi, District West Champaran.

... .. Petitioners

Versus

1. The State of Bihar
2. Nagina Khatoon, Wife of Riyajul Ansari, Resident of Village-Hingalhar, P.S.-Sathi, District West Champaran at present D/o Sobarati Miyan, resident of Barwapsauni, P.S. -Inarwa, District- West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 17-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing for the opposite party no.2.

The petitioner seeks pre-arrest bail in connection with Complaint Case No.713 of 2017 in which cognizance has been taken for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

It is submitted by the learned counsel for the petitioner that the entire allegations levelled against the petitioners are out and out false and concocted and no such occurrence as alleged did ever take place. The marriage of



petitioner no. 1 had been solemnized with opposite party no.2 18 years before and out of their wedlock, three children were born. It is unbelievable that after such long period the demand of dowry could have been made or complainant would have been subjected to cruelty for non-fulfilment of demand of dowry. The case has been instituted due to petty family dispute, as she left the house out of her own sweet will and lodged a false and fabricated case. The petitioner no.2 is *gotni* of the opposite party no.2 and her name has been dragged in the case, as opposite party no.2 suspected that the petitioner no.1 had developed illicit relation with her.

On the other hand, learned counsel for the complainant-opposite party no.2 submitted that there is specific allegation in the complaint that the petitioner had illicit relationship with his *bhabhi* (petitioner no.2) and on account thereof, he used to subject the complainant to cruelty.

Be that as it may, regard being had to the nature of the offence and the submissions advanced at the Bar, in the event of arrest or surrender in the court below within a period of six weeks, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the



learned S.D.J.M. West Champaran, Bettiah in connection with
Complaint Case No.713 of 2017 subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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