

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30467 of 2019

Arising Out of PS. Case No.-1795 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

MD. SAJIM Son of Mokim Uddin Resident of Mohalla - Kazipura, P.S.-
Kahalgaoon, Distt - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Javida Khatoon Wife of Md. Sajim Resident of Kazipura, Ward No. 3, P.O.
and P.S.- Kahalgaoon, Distt - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-08-2019 The petitioner apprehends his arrest in connection with Complaint Case No. 1795 of 2016 in which cognizance under Sections 323, 341 and 498A/34 of the Indian Penal Code and 4 of the Dowry Prohibition Act has been taken by the learned Magistrate.

Allegation against the petitioner, as per complaint, is that marriage of the complainant/O.P.No. 2 was solemnised with the petitioner in 2010 and just after marriage, he along with other family members started demanding Rs. 50,000/- and motorcycle as dowry from the complainant and due to non-fulfillment of demand, she was being tortured physically as well as mentally. It has also been alleged that earlier a complaint case bearing No.



2084 of 2011 was lodged by the complainant in which both parties had settled their dispute amicably and she started living with her husband i.e., the petitioner.

Mr. Praveen Kumar, learned counsel for the petitioner submits that petitioner is willing to keep the complainant as his wife with care and dignity but she is not willing to live with the petitioner. He submits that before the court below also, she refused to live with the petitioner on frivolous allegation of torture to be meted out to her by the petitioner. Learned counsel submits that Annexure-2 is legal notice dated 15.09.2016 sent by the petitioner to the complainant to come and live with him but soon after receipt of legal notice, the complainant/O.P. No. 2 has lodged this *mala fide* complaint against him. He further submits that this Court was pleased to issue notice to O.P.No. 2 but despite service of notice, she has not appeared before this court.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner is ready to keep the O.P.No. 2 i.e., complainant as his wife for which he had also sent a legal notice and in paragraph 13 of this petition, he has made statement in this regard. However, despite service of notice, OP No. 2/ complainant chose not to appear before this



Court and allegation made against the petitioner of torture and demand of dowry is general and omnibus in nature, accordingly, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, 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 SDJM, Bhagalpur in connection with Complaint Case No. 1795 of 2016; 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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