

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33074 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- FORBESGANJ District- Araria

Md. Juned, Aged about 30 years, Male, Son of Late Alauddin, Resident of
Village-Purwari Jhirwa, Ward No.01, P.S.-Simraha, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rizwana, Wife of Md. Juned, Daughter of Majid, Resident of Village-Purwari Jhiruwa, Ward No.01, P.S.-Simraha, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-05-2019 The learned counsel for the informant appeared and
filed power on behalf of the informant.

Let the same be kept on record.

Heard both sides.

Petitioner apprehends his arrest in Forbesganj
(Simraha) P.S. Case No.178 of 2019, registered under Sections
498A, 323, 341, 504 and 34 of the Indian Penal Code as well as
under Sections 3 and 4 of the Dowry Prohibition Act.

The informant, wife of the petitioner, made allegation
that the petitioner subjected her to all sorts of torture due to non-
fulfillment of additional demand of dowry and she was
assaulted and driven out from her in-laws' house.



Learned counsel for the petitioner submits that prior to institution of the present case, the informant lodged Complaint Case No.2197C of 2016 on 18.10.2016. The petitioner got anticipatory bail and immediately thereafter the informant lodged this case after hatching up a false story of demand of dowry and torture. The informant never named the petitioner and she is not at all willing to live with the petitioner. It is further submitted that the petitioner is still ready to keep his wife.

On the other hand, the learned counsel for the informant and the learned Additional Public Prosecutor while opposing the prayer for grant of anticipatory bail of the petitioner submit that the informant earlier also filed Maintenance Case No.04 of 2017 in which the petitioner was directed to pay Rs.6000/- as maintenance to the informant and her children vide order dated 30.04.2019, passed by learned Principal Judge, Family Court, Araria but the amount of maintenance is not being paid.

There appears that earlier the informant filed Complaint Case No.2197C of 2016 in which the petitioner was granted anticipatory bail. Thereafter the informant filed Maintenance Case No.04 of 2017. Learned counsel for the



petitioner submits that the petitioner has already appeared in the maintenance case. Thereafter the informant, wife of the petitioner, filed the present case again making same and similar allegation of demand of dowry and torture.

Considering the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, 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 the learned C.J.M., Araria in connection with Forbesganj (Simraha) P.S. Case No.178 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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