

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41175 of 2019

Arising Out of PS. Case No.-507 Year-2018 Thana- NAWADAH COMPLAINT CASE
District- Nawada

MD. RAJA, S/o Md. Jahangir Alam, R/o village - Ghugharitand Bypass, P.S. -
Vishnupad, Distt. - Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Tamanna Parween @ Reshma, D/o Md. Gama, R/o village - Farha, P.S. -
Akbarpur, Distt. - Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 498(A), 406, 323 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act.

Petitioner is husband of opposite party no. 2 and there is allegation that on 17.10.2017 marriage was solemnized and on 27.10.2017 opposite party no. 2 was expelled from her matrimonial house for non-fulfillment of dowry demand. Further allegation is that husband has married with another lady. Reconciliation has already failed.

Submission of learned counsel for the petitioner is



that opposite party no. 2 had lodged a case of rape against Md. Miraz and five others and her mother had also lodged identical complaint case against Md. Miraz and others, which are Annexure-2 and 3 to this application.

In the aforesaid background, it is evident that opposite party no. 2 is in the habit of lodging false case and extorting money from different persons.

Learned counsel for the informant submits that *Nikahnama* is a documentary evidence of marriage between the petitioner and opposite party no. 2. For non-fulfillment of dowry demand, petitioner has already married with another lady.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on anticipatory bail, in connection with Complaint Case No. 507 of 2018 pending in the court of learned Sub-Divisional Judicial Magistrate, Nawada, only for the reason that opposite party no. 2 was raped by some other person in the past.

Hence, prayer for anticipatory bail is refused.

(Birendra Kumar, J)

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