

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44115 of 2019

Arising Out of PS. Case No.-770 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Md. Shaquib Ashraf Son of Md. Ashraf Imam, Resident of Village - Sadatpur,
Afzalpur, P.S.- Kanti, Dist.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shabana Praveen W/o Md. Shaquib Ashraf, D/o Late Md. Abdul Latif,
Resident of Village Sadatpur Afzalpur, P.S. Kanti, District Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Shakti Suman Kumar, Advocate
For the State	:	Mr.Pradeep Narain Kumar, APP
For the O.P. No. 2	:	Mr.Hanshul Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioner and learned

counsel representing the informant-opposite party no. 2 as also

learned APP for the State.

Petitioner in the present is seeking anticipatory bail in
connection with Kanti P.S. Case No. 770 of 2018 registered for
the offences punishable under Sections 341, 323, 324, 325, 307,
498(A), 504, 34 of the Indian Penal Code and Sections 3 and 4
of the Dowry Prohibition Act, 1961.

There is an allegation in the first information report
that the petitioner has been brutally assaulted by her husband
(petitioner) with knife causing injury on the right side of the jaw
and the other accused persons also assaulted with hockey and



lathi and causing fracture of her right knee and hand. The marriage between the petitioner and opposite party no. 2 had taken place on 09.09.2017 only but there was an alleged demand of dowry of Rs. 10,00,000/-, non-fulfillment of the said demand of which led to the assault.

Learned counsel for the petitioner submits that there are chances of settlement between the parties, therefore, the matter may be sent to the Mediation Centre. However, learned counsel for the informant-opposite party no. 2 has seriously objected to the said submission of learned counsel for the petitioner by placing a copy of injury report of Sri Krishna Medical Collect & Hospital, Muzaffarpur and some of the photographs before this Court, learned counsel for the informant has submitted that the manner in which the informant has been brutally assaulted and injuries have been caused which have been found grievous in nature, the petitioner does not deserve the privilege of anticipatory bail. This Court finds that in the injury report the Doctor has recorded the nature of injury as grievous. The allegations of causing knife injury and then fracture are also being supported by the injury report.

In view of the submission made and the materials available on the record, this Court is of the considered opinion



that the petitioner does not deserve the privilege of anticipatory bail. The prayer for anticipatory bail of the petitioner is refused.

Application is dismissed.

It appears that by order dated 18.07.2019 passed by learned Co-ordinate Bench of this Court, the petitioner was granted privilege of provisional anticipatory bail, however, by virtue of refusal of his prayer and dismissal of this application the bail bond, if any, submitted pursuant to the order dated 18.07.2019 shall stand cancelled. If the petitioner surrenders in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit.

Let the copy of injury report be remained on the record.

(Rajeev Ranjan Prasad, J)

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