

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48934 of 2018

Arising Out of PS. Case No.-253 Year-2008 Thana- NAWADA District- Nawada

Mohd. Alamgir Abdin @ Alamgeer Abedeen, Son of Zainul Abdeen, Resident of Ansarnagar, P.S. Bundelkhand, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sabanazm, D/o Md. Nisar Ahmad, R/o Mohalla – Ansar Nagar, P.S. Nawada (Town), District – Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Dikshit, Advocate Mr. Sumit Shankar Pandey, Advocate
For the Opposite Party/s	:	Mr. J.N. Thakur, APP
For the Informant	:	Mr. Gauri Shankar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner, learned counsel for the informant-opposite party no. 2 and learned APP for the State.

The petitioner, being the husband of the informant, has renewed the prayer for anticipatory bail third time in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The prosecution case got initiated on the written report of the informant, Sabanaz dated 26.08.2008, submitted to the Station House Officer, Bundelkhand Police Station, is to the effect that the marriage between the informant and the petitioner was performed on 24.04.2008 but subsequent to the marriage



there was further dowry demand of Rs. Five lakhs and due to non-fulfillment of the same, torture was inflicted upon the informant. On 05.06.2008 an attempt was made to poison the informant and was ultimately driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the marriage is admitted. Initially the anticipatory bail application of the petitioner was rejected vide order dated 30.04.2009 passed in Cr. Misc. No. 14807 of 2009 but thereafter, the petitioner renewed the prayer for anticipatory bail vide Cr. Misc No. 6549 of 2015, though this Court declined to revise the earlier order, however, disposed of the application and on considering the stand that the petitioner is ready to reconcile the issue with a liberty to the learned Chief Judicial Magistrate, Nawada to issue notice to the informant and on her appearance, to make an effort to reconcile the issue and till then no coercive steps was to be taken against the petitioner but the informant failed to make any effort to reconcile the issue.

The learned counsel for the petitioner submits by producing the certified copy of the order dated 15.11.2018 passed by learned Principal Judge, Family Court, Nawada in Maintenance Case No. 53 of 2012 wherein it has been recorded



that the informant failed to appear from 22.08.2016 to 09.03.2018 and has not produced any witness whereas the petitioner produced six witnesses and they all stated that the petitioner has given talak to the informant and the informant is residing at Kolkata after performing second marriage. In the circumstances, the prayer for anticipatory bail of the petitioner may be considered.

Learned counsel for the informant submits that the case was registered in 2008 and the first anticipatory bail application of the petitioner was rejected vide order dated 30.04.2009, hence, the present anticipatory bail application is not maintainable

Considering the rival submissions of the parties, this Court is not inclined to interfere. However, considering the statement of the informant recorded in order dated 19.06.2018 passed by learned SDJM, Nawada wherein the informant has stated that she is receiving Rs.8,000/- per month as maintenance amount and the fact that the informant is regularly appearing in the present proceeding to oppose the prayer for anticipatory bail of the petitioner but did not appear in maintenance proceeding continuously for two years in spite of valid service of notice, it is a case for consideration of prayer for regular bail



by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Nawada P.S. Case No. 253 of 2008, pending in the Court of learned Chief Judicial Magistrate, Nawada.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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