

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69004 of 2018**

Arising Out of PS. Case No.-410 Year-2017 Thana- SIWAN MUFFASIL District- Siwan

Imran Ahamad @ Md. Imran Son of Mahammad Nurain Pramanent Resident  
of Village-Doma Hatha, Police Station-Hatua, Distt.-Gopalganj, At present  
Resident of Bankra, Dakshin, Nayabaz, Police Station-Domjur, Distt.-Howrah

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      15-05-2019      Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Sections  
323, 324, 325, 383, 384, 504, 506, 494 and 406 of the IPC and  
Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case as per the Complaint Case No. 1415  
of 2017 filed by Ambaiya Khatoon before the learned C.J.M.,  
Siwan which came to be registered as police case on being sent  
under Section 156(3) of the Cr.P.C. It is alleged by the informant  
that her marriage with the petitioner was performed on  
26.5.2014 but subsequent to the marriage, the informant was  
pressurized for getting her father's land. Thereafter, torture was  
inflicted upon the informant whereafter her father gave Rupees



One Lac to the petitioner but it is further alleged that on 26.10.2016, some medicine was administered to the informant thereafter she was dropped near her parental house after snatching all her belongings. The informant was blessed with two children.

The petitioner and the informant are present in Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant. It is further submitted that earlier to the present case, Siwan Mufassil (Dhanauti O.P.) P. S. Case No. 410 of 2017 was registered on 31.8.2017 with the accusation under Sections 323,324,325,383,384,504,506,494 and 406 of the IPC and Sections 3 and 4 of Dowry Prohibition Act. It is also submitted that the informant also filed Domjur P.S. Case No. 540 of 2016 at Howrah wherein the petitioner has been granted bail. The accusation in the present case is dated 26.10.2016 but the accusation levelled in Domjur P.S. Case No. 540 of 2016 registered under Sections 498A, 325 and 509/34 of the IPC reflects that on the alleged date of occurrence the informant was not at the petitioner's house, hence it cannot be said that offence under Section 384 of the IPC is made out. The petitioner has also filed Matrimonial suit vide Title Suit No. 1469 of 2016 for



dissolution of marriage with the complainant before the learned 4<sup>th</sup> Civil Judge (Jr. Division) at Howrah.

Learned counsel for the informant submits that the petitioner undertook to keep the informant with full dignity and honour, whereafter the petitioner was granted bail but subsequently torture was inflicted upon the complainant.

It appears that on the joint prayer of the parties, this Court vide order dated 13.2.2019 referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator dated 2.5.2019 at Flag M2 reflects that the issue could not be resolved through the process of mediation.

Considering the fact that prima facie from the accusation levelled, no offence under Section 384 of the IPC is made out, moreover, from the perusal of the accusation levelled in Domjur P.S. Case No. 540 of 2016 which was registered on 14.6.2016, it appears that since 14.6.2016 the informant was not residing with the petitioner whereas in the present case the accusation is of 26.10.2016 when the informant claims to be at her matrimonial house, coupled with the fact that the accusation has been levelled in the background of matrimonial discord between the parties and in the case registered under Section 498A of the



IPC the petitioner has been granted bail, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Siwan Mufassil (Dhanauti O.P.) P.S. Case No.410 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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