

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46246 of 2019

Arising Out of PS. Case No.-956 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Sohail @ Mohammad Sohail, Son of Md. Muzaffar @ Mehtar, Resident
of Village - Lohagara, P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mahsari Khatoon, Wife of Md. Sohail, D/O- Md. Maqbool Resident of
Village - Bagdogra, P.S.- Balrampur, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 26-09-2019 Heard learned counsel for the petitioner and learned
counsel representing the complainant-opposite party no.2.

The petitioner in this case is seeking anticipatory bail
in connection with Complaint Case No.956/2017 registered for
the offences punishable under Sections 323, 313, 498A/34 of the
Indian Penal Code and Section 3/4 of the D.P. Act.

Learned counsel for the petitioner submits that the
allegations made against the petitioner are false and flimsy
allegations as it cannot be believed that the petitioner will
commit assault on the complainant in her own house. It is
further submitted that the complainant is not willing to live with
the petitioner even though the petitioner is willing to keep her



with full dignity and care.

Learned counsel for the complainant-opposite party no.2 has opposed the prayer for anticipatory bail. It is his submission that right from beginning after the marriage the accused persons were torturing the opposite party no.2 for not fulfilling the demand of dowry. In her complaint petition, she has alleged that the accused persons were physically and mentally torturing her and then when she became pregnant she was forcibly compelled to take medicine causing abortion and put her own life in danger. In her complaint petition, she has alleged that she was thrown out from her house on 30.04.2017.

Learned counsel has invited attention of this Court towards the observations of the learned Additional Sessions Judge-III, Katihar in his order dated 26.04.2018 passed in A.B.P. No.231 of 2018.

Considering the facts and circumstances of the case whereunder this Court finds that there are specific allegations of demand of dowry and then causing assault on the complainant and further from the impugned order it appears that the petitioner had indulged in committing assault upon the complainant in her own house and then the complainant was brought to the Primary Health Centre for treatment in the



injured condition, this Court is not willing to extend the privilege of anticipatory bail to the petitioner. This application is dismissed.

In case the petitioner surrenders in the court below within a period of four weeks from today and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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