

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57441 of 2019

Arising Out of PS. Case No.-558 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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Munajir Alam @ Munazir Siddique @ Md. Munajir Siddique, aged about 26 years, male, Son of Matiur Rahman, Resident of Salki Tengarmari, P.S. + District Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tarnnum Ara, aged about 24 years, female, Wife of Munajir Alam, D/o Tauhid Alam, Resident of Salki Tengarmari, P.S. + District Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-12-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. C 558/18, registered under Section 498A of the Indian Penal Code.

The complainant-wife of the petitioner submits that the petitioner forcibly established physical relation with her on the assurance of marriage but when the complainant became pregnant, the petitioner refused to marry with the complainant. Thereafter Kishanganj P.S. Case No.278 of 2014 was registered. During the pendency of Kishanganj P.S. Case No.278 of 2014, the petitioner solemnized marriage with the complainant but the petitioner again started subjecting her to physical and mental



torture after getting acquittal in Kishanganj P.S. Case No.278 of 2014, corresponding to Sessions Trial No.35 of 2015. It is further stated that the petitioner subjected her to all sorts of torture due to non-fulfillment of additional demand of dowry.

Learned counsel for the petitioner submits that the petitioner never tortured the complainant. The complainant herself is a quarrelsome lady and the petitioner does not want to keep her. The petitioner is ready for one time settlement.

On the other hand, while opposing the prayer for anticipatory bail of the petitioner, learned counsel for the complainant submits that the conduct of the petitioner shows that the petitioner is not entitled for anticipatory bail. The petitioner firstly committed rape with the complainant and thereafter when the case was lodged, the petitioner solemnized marriage and persuaded the complainant not to support her earlier case and when the petitioner got acquittal, the petitioner again subjected her to all sorts of torture due to non-fulfillment of additional demand of dowry.

Having considered the facts and the nature of allegations made against the petitioner and the fact that the petitioner who firstly committed rape with the complainant and when he got acquittal after solemnizing marriage, the petitioner



again started subjecting the complainant to all sorts of torture, I
am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the
petitioner is rejected.

(Prabhat Kumar Jha, J)

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