

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75076 of 2018

Arising Out of PS. Case No.-55 Year-2016 Thana- COMPLAINT CASE District- Kishanganj

Minhaj Reza @ Minhaz Raza Son of Samiruddin @Masiruddin Resident of
Village- Dhuabari Post Office and Police Station- Pothiya, District-
Kishanganj.

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najmul Hoda

For the Opposite Party/s : Mr.Sri Binod Kumar 3

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 11-04-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned counsel for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. 55C/2016, disclosing offences under
Section 498A of the Indian Penal Code.

Allegation against the petitioner is of demand of
dowry of Rs. Five lakhs and a motorcycle and due to non-
fulfillment of the same, the petitioner assaulted the informant
and also ousted her from his house.

It appears that earlier on appearance of both sides, the
matter was referred to Patna High Court, Mediation and
Conciliation Centre, Patna vide order dated 20.02.2019 and the
report of learned Mediator is also available on record, from



which, it appears that petitioner refused to keep the complainant – opposite party no. 2 and submitted that his counsel before the Hon'ble High Court has made submissions regarding his readiness to settle the dispute through mediation without his consent and he denies any relationship with the complainant.

It further appears that in the petition for grant of anticipatory bail also, it has been mentioned in para -9 on oath that petitioner is fully ready to keep and maintain the wife (opposite party no. 2) with full dignity and honour and considering the said averment, the coordinate Benches of this Court has granted interim protection to the petitioner vide orders dated 18.12.2018 and 20.02.2019.

Having considering the facts and circumstances as well as the conduct of the petitioner that in spite of making specific averment on oath in the petition, he refused to keep the complainant with himself and also made certain allegation against the learned counsel appearing on his behalf, as such, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather he should surrender before the court below and make prayer for regular and the court below will dispose of the same on the merit of the case, without being prejudiced by this order.



This application is, accordingly, dismissed

Interim protection granted to the petitioner vide
order dated 18.12.2018 and 20.02.2019 stands vacated.

(Vinod Kumar Sinha, J)

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