

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64596 of 2018

Arising Out of PS. Case No.-2016 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Toushif @ Md. Tahseeb S/o Hasimuddin Resident of Village-Rajnagar
Kadwa, P.S. Baisi Distt.-Purnea

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bibi Marjina Begam W/o Md. Taushif @ Md. Tahseeb D/o Md. Matiur
Rahman Resident of Village-Rajnagar Kadwa,P.S. Baisi, Distt.-Purnea at
present resident of village-Khutiya,P.S.-Baisi Distt.-Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick
For the Opposite Party/s : Mr.Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

15 26-08-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 2016 of 2017 in which cognizance for the

offence under Sections 406 and 498A of the Indian Penal Code

has been taken.

Allegation against the petitioner, as per complaint, is that
complainant was married to the petitioner in the year 2016 and
at the time of marriage, gift in cash and ornaments were given to
him and his family members, however, petitioner along with
others started demanding dowry of Rs. 2 lacs from the
complainant and due to non-fulfillment of the same, he and
others tortured the complainant physically and mentally. It has
further been alleged that on 02.02.2017, with an intention to kill



the complainant, the petitioner and other accused persons assaulted the complainant and she has been ousted from her matrimonial home by the petitioner and others.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case based upon concocted story and marriage between the petitioner and the complainant is disputed and the petitioner has filed a Title Suit No. 75 of 2017 in the court of Principal Judge, Family Court, Purnia. Learned counsel submits that complainant was already married with someother person and the factum of marriage with the petitioner is not correct. Learned counsel for the petitioner has also filed supplementary affidavit bringing on record the statement of the complainant.

On the other hand, learned counsel appearing on behalf of the complainant, vehemently opposes the prayer for anticipatory bail and submits that factum of earlier marriage of the complainant has already been disclosed by the complainant in her complaint and petitioner established physical relationship with her in the year 2013 with promise to marry her and subsequently marriage between the petitioner and the complainant was solemnized in the year 2016 and he assaulted and tortured the complainant for want of dowry and ousted her



from her matrimonial home. He submits that out of wedlock, one child has also born.

After having heard learned counsel for the parties and taking into consideration the fact that demand of dowry against the petitioner is specific and complainant was being tortured for non-fulfillment of demand of dowry made by the petitioner, accordingly, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail to the petitioner is rejected.

(Anil Kumar Sinha, J)

sujit/-

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