

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4227 of 2020

Arising Out of PS. Case No.-33 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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MOZAMMIL KHAN S/o- Md. Sajibul Khan @ Sajibul Khan Resident of
Village- Manwara, P.O.- Ilmasnagar, P.S.- Khanpur, Distt- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Afreen Khanam W/o - Mozammil Khan P.O.- Ilmasnagar, P.S.- Khanpur,
Distt- Samastipur At Present- D/o Md. Razi Alam Khan, P.O. Morwada,
Post- Morwada, Bhaya Sindhiya, P.S.- Biraul, Distt- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjani Kumar Sinha
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-09-2020 The present petition has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and Shri
Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
C.R. Case No. 33 of 2018, T.R. No. 2833 of 2019 for the
offence registered under Section 498(A) of the Indian Penal
Code.

The case of the prosecution in brief is that the



complainant was married with the petitioner in the month of September, 2012 whereafter three children were born out of the said wedlock, however, the petitioner and other accused persons used to torture her as well as assault her on account of non-fulfillment of the demand of colour television, motorcycle, fridge and washing machine. It is further alleged that the petitioner, who is the husband of the complainant, had tried to kill her and compelled her leave the matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he is ready to keep his wife and children with due honour and dignity and has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record as also the impugned order dated 27.11.2019 from which it is apparent that during the course of re-conciliation proceeding, the petitioner had flatly refused to keep his wife and in fact the complainant had also stated before the learned Court below that since the petitioner has re-married, he is not willing to keep her with due honour and dignity.



In such view of the matter, this Court finds that the petitioner is prima facie having complicity in the alleged occurrence, hence does not deserve any sympathy from this Court, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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