

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4865 of 2020

Arising Out of PS. Case No.-412 Year-2019 Thana- COMPLAINT CASE District-
Kishanganj

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Manzoor Hussain @ Manjur Hussain Son of Mahammad Hussain
Government Amin, Pakur, Deputy Commissioner Collectrate, Hatpara
Resident of Village and P.S.- Pakur, Distt- Pakur (Jharkhand), Permanent
address- Mauji Mauzi Hasanpur, P.S.Hasanpur, Distt- Samastipur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Khan @ Shabnam Praveen W/o Manaam Hussain Resident of
Mohiuddinpur, Ward No.1, P.S. and Distt- Kishanganj At present C/o Md.
Abdul Hafiz Khan Uttar Palli, P.S. and Distt- Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mrs. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner, being the elder brother of the husband of the
complainant is apprehending arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offence punishable under Section 498A of the IPC.

The prosecution case, as per the complaint petition, is to
the effect that the marriage of the complainant was performed
with co-accused Mannan Hussain on 16.05.1996. Subsequently,
they were blessed with a female child, but after some time,
further dowry demand of Rs. 5 lacs was made and due to non-



fulfillment of the same, the complainant was tortured and ultimately, she was driven out from her matrimonial house by all the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that marriage was performed 24 years prior to filing of the complaint petition. It is further submitted that thrust of accusation is against the husband of the complainant and the petitioner lives separately from the husband of the complainant. Though, a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, but learned counsel for the complainant submits that the petitioner is also made accused in other cases.

It appears that the matter was adjourned to enable the learned counsel for the petitioner to file counter affidavit with regard to criminal history of the petitioner, but she did not file the same.

Considering the thrust of accusation being against the husband of the complainant and relationship between the petitioner and the complainant, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Complaint Case No. 412 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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