

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15227 of 2020

Arising Out of PS. Case No.-1558 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Shamim @ Md. Samim, aged about 28 years, Male, Son of Md. Munsur @ Md. Mansoor, Resident of Imli Tola, P.S.- Mansahi, Dist.- Katihar, Presently residing at Village - Kasthavar Sahja, P.S.- Mansahi, Dist.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Joshna Khatoon, aged about 24 years, Female, Wife of Md. Shamim, Daughter of Late Saifud Ali, Resident of Village Babhani, P.S. Pranpur, Dist.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jibendra Mishra
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-09-2020 Heard learned counsel for the petitioner and Mr. Anand Kishore Choudhary, the learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in C.A. No.1558 of 2017 for the offences allegedly committed by the petitioner under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the wife of course made allegation of demand of dowry and torture against the petitioner but all the allegations are false and concocted. The wife of the petitioner earlier lodged Complaint Case No.177 of 2017 on 22.05.2017. The wife of the petitioner also lodged



Maintenance Case No.30 of 2017 on 02.06.2017. It is alleged that the wife of the petitioner had come to the house of the petitioner but she again picked up quarrel and fled away. Thereafter the complainant filed the present petition on 19.07.2017. Even during the course of mediation, the petitioner was willing to keep his wife with all honour and dignity but the wife refused to live with the petitioner.

The learned Additional P.P. opposed the prayer for anticipatory bail of the petitioner.

It appears that the wife of the petitioner of course made allegation of demand of dowry and torture against the petitioner but prior to institution of the present case, the wife of the petitioner, opposite party no.2, lodged Complaint Case No.177 of 2017 on 22.05.2017. The opposite party no.2 also lodged Maintenance Case No.30 of 2017 on 02.06.2017. Only after about two months from the date of institution of the earlier complaint case, the complainant, wife of the petitioner, again lodged the present complaint case making almost same and similar allegations.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar in connection with C.A. No.1558 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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