

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9513 of 2020

Arising Out of PS. Case No.-80 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Hussain aged about 60 years, Male, Son of Abdul Kudus, Resident of Village - Devra Banthouli, Police Station- Jalley, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rafika Khatun , Wife of Md. Hussain, daughter of Late Abdul Khalifa, Resident of Village - Ushrahi, Police Station- Bisfi Pattona, District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with C.R. Case No. 80 of 2019 in which cognizance under Section 498(A) of the Indian Penal Code, 1860 has been taken by the learned Magistrate.

The allegation against the petitioner as per the complaint petition is that the complainant was married to the petitioner in the year 1981. It has further been alleged that after the death of the father of complainant, the petitioner started pressurizing the complainant to bring Rs. 4 lakhs from her *maika* after selling the land of her deceased father. It has also



been alleged that due to non fulfillment of the demand by the complainant, the petitioner tortured the complainant mentally and physically.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with *mala fide* intention inasmuch as the marriage was solemnized in 1981 and after 39 years of marriage the allegation of torture and demand of dowry has been levelled against the petitioner. Learned counsel referring to Annexure - 2 submits that in fact the petitioner due to erratic behaviour of the complainant- Opposite Party No. 2 has given her divorce at *imarte shariya* on 04.09.2018 and the Maiher amount has already been returned to the bank account of the complainant- Opposite Party No. 2 and the present complaint has been filed as a counter blast on 05.03.2019.

Having heard learned counsel for the petitioner and learned counsel for the State and taking into consideration the fact that allegation of demand of dowry and torture has been levelled after about 39 years of marriage and further the petitioner has given divorce to Opposite Party No. 2 i.e. the complainant on 04.09.2018 and the present complaint has been filed on 05.03.2019, as such, I am inclined to grant anticipatory



bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipatti, District - Madhubani in connection with C.R. Case No. 80 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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