

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17820 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- SAKRI District- Madhubani

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Istiyaz @ Imtiyaz @ Md. Istiyaz Son of Md. Allauddin Resident of Village -
Kajiyana, P.S.- Sakari, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s : Smt. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Sakri P.S. Case No.167 of 2019, registered under sections
306 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., the petitioner herein
had eloped with the daughter of the informant and had gone to
the Jalandhar. Thereafter on the informant stating that they
would lodge a case, the petitioner returned after 4-5 days and
performed Nikah. Thereafter petitioner abandoned the
informant's daughter and kept assuring that he would take her
along with him after the construction of his house is complete. It
is stated that he started making demand of dowry and wanted



the informant to give a four wheeler vehicle and stated that he would keep her only on that condition or else would give talaq to his daughter. She was forced out of her house and threatened. It is stated that on her daughter talking to the petitioner on the date of occurrence, he gave Talaq to her on telephone and for this reason she committed suicide by hanging herself.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and malicious. No occurrence as narrated in the F.I.R. has taken place and the petitioner has no concern with the alleged occurrence. It is further submitted that all the allegations levelled in the F.I.R. are said to have taken place through commutation on telephone which is unbelievable. It is submitted that admittedly, the daughter of the informant was living at her parent's place and for the act committed by her he cannot be held responsible. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation wherein the witnesses have supported the petitioner taking away the daughter of the informant to



Jalandhar together with the allegation levelled against the petitioner, the Court is not inclined to enlarge the petitioner on anticipatory bail. The application stands rejected.

In case the petitioner surrenders in the Court below within a period of eight weeks and prays for bail, the same shall be considered on its own merits without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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