

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15180 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA P.S. District- Kishanganj

MD SADIQUE AMIN Son of Late Badruddin Resident of Village - Wakil
Tola, Majhia, P.S.- and Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravish Mishra, Advocate Mr. Diwakar Sinha, Advocate
For the Opposite Party/s	:	Mr.Gulnar Begum, APP
For the Informant	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-10-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant
through video conferencing.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Kishanganj Mahila P.S. Case no. 39 of 2019 registered
under sections 498A, 341, 323, 420 and 34 of the Indian Penal
Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the informant was
married to the petitioner as per muslim custom. It is stated that a
son was born out of the said wedlock. Soon thereafter the
accused persons started making demand of dowry and in
October 2017 on the informant getting job of a teacher, they did



not permit her to join. She was physically and mentally tortured and beaten up. It is stated that on one occasion the accused persons made an attempt to burn her after pouring Kerosene oil but she was saved by her three children. Ultimately she agreed to live in a rented premises but the torture continued. She states that in August 2018 she made a complaint to the Mahila help line but no divorce has taken place between them.

It is submitted by learned counsel for the petitioner that he is the husband of the informant. The allegations of demand of dowry and torture are all false and concocted. The informant had filed a case earlier before the Mahila help line and on mutual consent they have separated. The petitioner had also paid the amount of 'dain mohar' and he has also deposited a sum of Rs. 50,000/- in her account in the SBI.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that no divorce has taken place between the informant and the petitioner, the petitioner has married for a second time, however, the informant is still ready to reside with the petitioner. It is further submitted that although a sum of Rs. 5,000/- as fixed by the Mahila Aayog is being paid by the petitioner but the expense for



children as agreed by the petitioner, is not being paid.

Having heard learned counsel for the parties and taking into consideration the fact that even as per the FIR pursuant to an agreement the informant has started residing in a rented premises and that the petitioner is paying Rs. 5,000/- by way of maintenance to the informant which the petitioner was directed to pay by the Mahila Aayog, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Kishanganj Mahila P.S. Case no. 39 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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