

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23978 of 2020

Arising Out of PS. Case No.-918 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

MD. MAHTAB ALAM @ MAHTAB ALAM @ HEERA S/o Karimul Haque
@ Md. Karimul Haque Resident of Village- Kasbe Aahar, P.S.- Tajpur, Distt-
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Safa Praween W/o Md. Mahtab Alam @ Mahtab Alam @ Heera, D/o Md. Ezharul Haque Presently Residing at Village- Choknoor, P.S.- Samastipur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma
For the Opposite Party/s : Ms.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-10-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint case no. 918 of 2019 registered for the offences punishable under Sections 498A of Indian Penal Code and 4 of D.P. Act.

The allegation is regarding the marriage of the complainant having been solemnized with the petitioner herein



on 18.01.2018 as per Muslim rites and rituals, whereafter the complainant is stated to have gone to her matrimonial home, however after sometimes, the accused persons including the petitioner herein started demanding dowry and torturing her. It is further alleged that subsequently, the accused persons on account of non-fulfilment of the demand for dowry, had ousted the complainant out of her matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner has already filed a divorce case against the complainant and the facts of the present case would show that it is not the petitioner but his wife, who had inflicted cruelty upon him and to that effect, the petitioner had also filed an information petition on 14.06.2018 before the learned C.J.M. Samastipur.

I have heard the learned counsel for the parties and perused the materials on record and it appears from the impugned order passed by the learned court below i.e. the one dated 27.02.2020 that though the complainant had physically appeared before the learned court below and showed her desire to go with the petitioner-husband, however the petitioner had



refused to keep her on the ground that he had already given divorce to the complainant by Talak-ul-Sunnat and had also filed a divorce case. It is also apparent from the records that there is specific allegation against the petitioner of having compelled the complainant of indulging in prostitution which was refused by the complainant, resulting in the petitioner inflicting cruelty upon the complainant.

From a bare perusal of the materials on record, this Court finds that there are ample material on record so as to *prima facie* make out a case against the petitioner herein, hence this Court is of the view that the petitioner is not atleast entitled to the privilege of anticipatory bail since he had indulged in committing cruelty upon his wife, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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