

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24986 of 2020

Arising Out of PS. Case No.-1837 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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MD. IJHAR, aged about 45 years, Male, Son of Late Wajid Ali, Resident of Village- Garden Rich Circus, P.S.- Matia Bridge, District- Kokatta (W.B.) at Permanent Address Resident of Village- Kajrali, P.S.- Kajrali, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ehteshan Parveen, Female, Wife of Md. Ijhar, D/o Late Mohsin, Resident of Village- Kajrali, P.S.- Kajrali, District- Bhagalpur at present address- Resident of Mohalla- Sarai Kilaghat Road, P.S.- Kotwali, District- Bhagalpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Rajive Ranjan Singh, Advocate.
For the State	:	Mr. Damodar Prasad Tiwari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for



the offences registered under Sections 498(A), 323, 504, 307, 120(B) of the I.P.C. and $\frac{3}{4}$ of the D.P.Act.

The prosecution case, in short, is that on 05.01.2018, the complainant was married with Md. Izhar (petitioner). After marriage, accused persons started demanding Rs. 2,00,000/- cash and golden ornaments from her as dowry and on non-fulfilment thereof, the accused persons tortured her physically and mentally.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case due to petty family dispute. The present case has been instituted on the basis of a complaint made in the learned court below in which cognizance has been taken for an offence under Sections 498(A) of the I.P.C. and $\frac{3}{4}$ of the D.P. Act. The petitioner is the husband of the complainant. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque & Ors. Vs. The State of Bihar, reported in 2006(3) P.L.J.R. 182.

On behalf of the State, it is submitted that the petitioner is named in the Complaint/F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur, in connection with Complaint Case No. 1837/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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