

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41093 of 2019

Arising Out of PS. Case No.-1276 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Mirza Javed Beg @ Javed Beg Son of Late Shamshad Beg Resident of
Village-Sitanabad South, Paithan Toli, Ward No.8, P.S.-Bakhtiyarpur, District-
Saharsa.

... .. Petitioner

Versus

1. The State of Bihar
2. Jugnu Praveen Wife of Md. Javed Beg Daughter of Md. Khurshid Resident
of Village-Sitanabad South, Paithan Toli, Ward No.8, P.S.-Bakhtiyarpur,
District-Saharsa.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Rashid Izhar, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 13-02-2020 Heard learned counsel for the petitioner and learned

APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Complaint Case No. 1276C of 2017, registered for the
offence punishable under section 498A and other sections of the
Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.

As per allegation made in the complaint, the Nikah
between the petitioner and the opposite party no. 2 took place on
09.10.2013. It is further stated in the complaint that at the time



of Nikah, the father of the complainant gave various articles as per his capacity, but the accused persons started torturing her due to non-fulfillment of demand of dowry to the tune of Rs. 5 Lakhs. Finally besides being beaten up, the articles were retained by the accused persons and she was forced out of the marital house.

It is submitted by learned counsel for the petitioner that the allegations as made in the complaint are false and concocted and that being compelled by the complainant having left the matrimonial home and living in her father's place that the petitioner filed divorce case on the ground of desertion. It is further submitted that after notice being issued to O.P. No. 2, on her appearance, on the agreement of both the parties, the matter was referred to the Mediation Center of the Patna High Court. However, subsequently in course of enquiry in the complaint by the Court below, the O.P. No. 2 in her statement has categorically stated that she does not want to reside with the petitioner.

It is submitted by learned counsel for O.P. No. 2 that the petitioner happens to be her husband, against whom there is direct allegation of torture and demand of dowry and to set-up a defence, the petitioner has lodged a divorce case against her. It



is further submitted that she is not even receiving the maintenance amount fixed by the Court below.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that O.P. no. 2 has categorically stated that she is not ready to reside with the petitioner, the Court is inclined to grant bail to the petitioner. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Complaint Case No. 1276C/2017, subject to the condition as laid down under section 438(2) of the Cr.P.C.

Further, in the facts and circumstances of the case, the complainant would always be at liberty to take appropriate steps in the Court below to proceed against the petitioner for non-payment of the amount of maintenance granted by the Family Court.

(Partha Sarthy, J)

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