

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71634 of 2019**

Arising Out of PS. Case No.-22 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

=====

TUNNA ALAM @ AZAD ALAM Son of Late Taibuddin Mian Resident of
Village - Govindapur, P.S.- Gareakothi, District- Siwan

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shabnam Ara Wife of Tunna Alam, D/O- Shekh Muslim Resident of Village
- Gobindapur, P.S.- Gareakothi, District- Siwan, At present Residence -
Village Basanw, P.S.- Basantpur, District- Siwan

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.Pancha Nand Pandit

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 06-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 22 of 2018, registered for
the offence punishable under Sections 498(A) of the Indian
Penal Code.

The case of the prosecution is that the complainant was
married to the petitioner on 28.8.2017 as per the Muslim
Custom and Rites and at the time of marriage, several articles,
gifts, cash, furnitures, jewelries etc. were given by the brother of
the complainant to the petitioner herein. However, subsequently,



the petitioner herein started torturing the complainant on account of non-fulfillment of the demand for motorcycle. During the course of time, the petitioner and the complainant were blessed with two children. It is further alleged that subsequently, the petitioner had gone abroad from where he had sent money for expenses for some time, however, subsequently, he had stopped giving any money for the expenses of the complainant and her children and instead, used to instigate the other accused persons to torture and harass the complainant. It is also alleged that the petitioner used to pressurize the complainant to sell her share in the parental land and bring the money and in case, she did not bring the money, she would not be allowed to stay in her matrimonial home. The complainant has also stated that two years ago, her husband i.e. the petitioner herein had come from abroad and assaulted her whereafter she was thrown out of her matrimonial home resulting in the complainant and her two children taking shelter in her parental home.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has sent money for expenses of the complainant and her children on several occasions during the period 2013-2015. It is



further submitted that the petitioner has filed a case for restitution of the conjugal rights before the learned court below, however, the complainant has not appeared in the said case till date.

I have heard the learned counsel for the parties and perused the materials on record. This Court had put a query to the learned counsel for the petitioner that since the remittance by way of expenses has been admitted by the petitioner to have been paid only up to the year 2015 to the complainant and her children, whether the petitioner is ready to pay any sort of maintenance by way of succor to the complainant and her children, the learned counsel for the petitioner has flatly refused. A bare perusal of the complaint petition would show that serious and grave allegations have been levelled against the petitioner and moreover, the learned A.D.J. VIth, Civil Court Siwan while rejecting the prayer of the petitioner for grant of anticipatory bail vide order dated 15.7.2019 has recorded that the petitioner has already married with another lady.

Having regard to the facts and circumstances of the case, considering the adamant attitude of the petitioner as also taking into account the seriousness and gravity of the offences alleged, this Court does not find the present case to be a fit case for grant



of anticipatory bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

