

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61749 of 2019

Arising Out of PS. Case No.-1402 Year-2017 Thana- COMPLAINT CASE District- Jamui

MD. TAUFIK @ MD. TAUFIQUE ALAM S/o Md. Riyazuddin R/o Village-
Asthawa, P.S.- Karande, District- Sheikhpura

... .. Petitioner/s

Versus

1. State of Bihar
2. Anwari Khatoon @ Tamanna W/o Md. Taufik @ Md. Taufique Alam, D/o
Md. Aslam Resident of Village- Lauhra, P.S.- Jamui, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailesh Kumar
For the Opposite Party/s :	Mr. Narendra Kumar Singh
	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 16-06-2020 The 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, requiring social distancing.

Heard the learned counsel for the petitioner, the learned APP for the State, Sri Ashok Kumar and the learned counsel for the informant, Sri Amrendra Kumar.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1402C of 2017 registered for the offence punishable under Section 498A of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act, 1961.

The case of complainant in brief is that the marriage of the complainant was solemnized with the petitioner on



12.10.2015 and thereafter, the complainant had come to her in-laws' place and was leading her conjugal life, however, after some time, the petitioner and other accused persons started torturing the complainant and making a demand of Rs. 5,00,000/- by way of dowry. Subsequently, the complainant is stated to have been ousted from the matrimonial home by the accused persons on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner has submitted that the case of the petitioner be treated with compassion inasmuch as after the order of this Court dated 6.3.2020, the petitioner had gone to the house of the opposite no. 2 to take her with him to the matrimonial home, but the opposite party no. 2 refused to go along with the petitioner herein. It is thus submitted that though the petitioner is ready to keep the complainant i.e. the opposite party no. 2 along with him, however, it is the adamant attitude of the opposite party no. 2 that the petitioner is being made to suffer. It is further submitted that the petitioner is having a clean antecedent and the allegations levelled against him are false.

Per contra, the learned counsel for the informant, by referring to a petition filed by him bearing Miscellaneous Case No. 25 of 2018, has submitted that the petitioner has himself



stated that he has granted divorce to his wife. The learned counsel for the informant has also referred to an order dated 5.5.2018 passed in Maintenance Case No. 149M of 2017 whereby and whereunder the petitioner has been directed to make payment of a sum of Rs. 10,000/- per month to the opposite party no. 2 as maintenance with effect from 28.11.2017, however, not a single farthing has been paid to the opposite party no. 2.

This Court had adjourned this matter for today, after the same was taken up on 12.6.2020, in order to enable the learned counsel for the petitioner to ascertain as to whether the outstanding amount of maintenance, as directed to be paid by the learned court below, has been paid or not, to which the answer of the learned counsel petitioner is in the negative. In fact, the factum of grant of divorce by the petitioner to the opposite party no. 2 has also not been refuted.

Having regard to the facts and circumstances of the case and considering the fact that the petitioner has been alleged to have committed cruelty upon his wife i.e. the opposite party no. 2, he has no regards for the process of law inasmuch as he has failed to pay the outstanding amount of maintenance to the opposite party no. 2, as per the directions of the learned court



below and moreover, the petitioner appears to have suppressed the factum of grant of divorce by him to the opposite no. 2, I do not find the present case to be a fit case for grant of any protection, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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