

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77676 of 2019

Arising Out of PS. Case No.-1528 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Md. Irtaza @ Md. Irtiza @ Md. Irteza, S/o Md. Motiur Rahman @ Tunai @
Motiur Rahman, R/o village- Usara Purvi, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar
2. Sana Praveen, W/o Md. Irtaza @ Md. Irtiza @ Md. Irteza, D/o Saidur
Rahman R/o village- Usara, P.S.- Kamtaul, District- Darbhanga

... .. Opposite Parties

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Appearance :

For the Petitioner : Ms. Shama Sinha, Advocate

For the Opposite Parties : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 29-06-2020 Heard counsel for the parties via video
conferencing.

By way of the present application, the petitioner has sought for pre-arrest bail in connection with Trial No.3824 of 2019 arising out of Complaint Case No.1528 of 2018 in which cognizance has been taken for the offences punishable under Sections 323, 341, 504, 379, 498A, 307 of the Indian Penal Code as well as sections 3 and 4 of the Dowry Prohibition Act.

It is contended by the learned counsel for the petitioner that the petitioner is the husband of the complainant. Their marriage was solemnized in the year 2010. They are



blessed with three minor children. The complainant was leading happy family life with the petitioner after marriage, but due to intervention of her mother and sister, some dispute arose and the cordial matrimonial relation got disturbed and under their influence, the complainant has left her matrimonial home and lodged the present complaint case.

Learned counsel for the opposite party no.2 has opposed the prayer for grant of pre-arrest bail to the petitioner. He contended that after marriage, the petitioner and his family members subjected the complainant to cruelty both physically and mentally for non-fulfillment of dowry. They had tried to burn the victim by sprinkling kerosene oil and somehow at the intervention of nearby people, life of the complainant could be saved.

Considering the nature of the offence, the submissions advanced on behalf of the parties and the plea of innocence taken by the petitioner, specially the fact that the marriage took place about ten years before the institution of the present complaint case, the petitioner is directed to be released on bail in the event of arrest or surrender in the court below on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Darbhanga
in connection with Trial No. 3824 of 2019 arising out of
Complaint Case No.1528 of 2018 subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Ashwani Kumar Singh, J.)

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