

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83688 of 2019

Arising Out of PS. Case No.-1534 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

MD. SERAJ @ MD. SERAJ SHEKH Son of Late Tohid Shekh @ Late Md.
Tohir Resident of Village-Bela, P.S.-Sonbarsa, District-Sitamarhi.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Momina Khatoon Wife of Md. Seraj @ Md. Seraj Shekh Daughter of Md.
Bazir at present resident of village-Manik Chowk, West Ward No.2, P.S.-
Runnisaidpur, District-Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar
For the Opposite Party/s	:	Mr. Amarendra Prasad
For the O.P. No.2	:	Mr. Dilip Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 06-03-2020 Heard learned counsel for the petitioner, learned
counsel for the O.P. no.2 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.C-1/1534/18, registered for the offence
punishable under sections 323, 341, 379, 307 and 498A of the
Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.

As per allegation in the Complaint, the petitioner was
married to the opposite party no.2 in the year 2014. At the time
of marriage, 'Den Mehar' of Rs. 50,000/- besides furniture,



clothes etc. worth Rs. 1 lac as also ornaments were given. Thereafter, the Complainant went to her in-laws' house and started to live there and out of the wedlock, a son was born. It is stated that after sometime, the accused persons started to demand Rs. 2 lacs by way of assistance for starting a business and threatened that if the said demand was not fulfilled they would not permit her to stay there. It is thereafter stated that the accused persons assaulted her, the torture continued and she was forced out of the house with the warning that she would return back only after their demand of Rs. 2 lacs was fulfilled.

It is submitted by learned counsel for the petitioner that besides the allegations being general and omnibus in nature, the allegations levelled against the petitioner and members of his family are false. It is further submitted that the petitioner is always ready to keep his wife and son with love and respect.

It is submitted by learned counsel for the opposite party no.2 that by order dated 18.12.2019, while issuing notice in the case, the petitioner was directed to be enlarged on provisional bail. On 19.02.2020, inspite of the conduct of the petitioner, it was submitted on behalf of the Complainant that she was still ready to live with the petitioner provided he undertakes before this Court of not assaulting and misbehaving



with her.

In view of the above, it was directed that both the petitioner as well as the Complainant shall appear in this Court on 25.02.2020. The opposite party no.2 appeared on 26.02.2020 (the case not having been listed on 25.02.2020) but the petitioner did not appear. Once again the case was fixed for 05.03.2020 directing both the parties to appear on that date. The petitioner once again chose not to appear while the O.P. no.2 was present.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner as levelled in the complaint, the relationship between the parties together with the conduct of the petitioner, this Court is not inclined to enlarge the petitioner on bail and as such his application for anticipatory bail is rejected. The petitioner is directed to surrender in the Court below within four weeks.

(Partha Sarthy, J.)

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