

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12249 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- BIHRA District- Saharsa

MD. MANSUR ALAM Son of Md. Jahir Resident of Village - Bijalpur, P.S.-
Bihra, Distt - Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Azeema Khatoon Wife of Md. Mansur Alam Resident of Village - Bijalpur,
P.S.- Bihra, Distt - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate
For the State	:	Mr. Yogendra Kumar Singh, Incharge A.P.P.
For the Informant	:	Mr. Kumar Vikram, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-03-2021 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Bihra P.S. Case no. 200 of 2019 registered for the offence
under sections 341, 323, 379, 498A, 504, 506 and 34 of the
Indian Penal Code and section 3 / 4 of the Dowry Prohibition
Act.

As per allegation in the first information report, the
opposite party no. 2 was married to the petitioner in the year
2015. It is stated that the accused persons including the



petitioner tortured the opposite party no. 2 for non-fulfillment of the demand of dowry to the tune of Rs. two lacs etc.. About two years ago, she was beaten up and forced out of the house while the children were separated. She started to live with her father. It is stated that on 30.10.2019 on her visiting her *sasural* to meet her children, she as also her brother were once again beaten up.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the first information report are false and concocted. It is submitted that in the year 2015, the informant was employed, the letter of employment being Annexure – 2 to the petition and, thereafter, she deserted the petitioner. Further referring to the first information report, it is submitted that the alleged occurrence of beating up and forcing her out of the house is stated to have taken place two years back but there is no explanation for the delay in lodging of the first information report. Petitioner, who happens to be the husband of the informant, has clean antecedent.

The application for anticipatory bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2, who submits that it is the first part of the occurrence which took place two years back.



Subsequently she along with her brother were beaten up on 30.10.2019 which led to lodging of the instant first information report.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the submissions made on behalf of the petitioner, the Court is inclined to enlarge the petitioner on anticipatory bail.

By order dated 9.7.2020, the petitioner was directed to be enlarge on provisional bail in connection with Bihra P.S. Case no. 200 of 2019 on his 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, Saharsa.

The provisional bail granted to the petitioner is hereby confirmed.

(Partha Sarthy, J)

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