

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11848 of 2020

Arising Out of PS. Case No.-672 Year-2018 Thana- COMPLAINT CASE District- Araria

SHAMSHAD KHAN @ SHAMSHAD S/O Late Manir Khan Resident of
Village Bounsi, P.S. Bounsi, District Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anshari Khatoon W/o Shamshad Khan, D/O Ganori Khan Resident of
Village Bansar, P.S. Palasi, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate

For the Opposite Party/s : Mr.Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 672C of 2018 wherein cognizance has been taken under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

As per allegation in the complaint, the petitioner was married to the complainant about six years back. In the marriage various articles by way of gift worth Rs. 1.5 lacs was given. It is stated that soon after the marriage the accused persons including the petitioner herein started torturing the complainant making



demand of further amount of Rs. 2 lacs and a motorcycle. She was physically and mentally tortured. The accused did not agree to the decision of the Panchayat and on 25.10.2017 forced her out of the house.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the complaint are false and concocted. There has never been any demand of dowry. On earlier occasion a maintenance case under section 125 Cr.P.C was filed but the dispute was resolved and the complainant started to live in her matrimonial house. It is finally submitted that the petitioner is still ready to keep the complainant with full honour and dignity. He has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Notices were issued to the opposite party no. 2 in the instant case and as per the service report (at Flag 'A') the notice was received by the opposite party no. 2. In spite of service of notice, no one appears on behalf of the opposite party no. 2.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the



Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Complaint Case no. 672C of 2018, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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