

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17861 of 2020

Arising Out of PS. Case No.-54 Year-2017 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

MD. SHAHID AFTEKHAR @ MD. SHAHID @ JUHI Son of Late Md. Shahzada @ Late Md. Sahjada Resident of Village - Sugauna, Basauli via Keoti Runway @ Kuti Run Way, P.S.- Rahika, Distt - Madhubani - 847121

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahjahan Khatoon Wife of Md. Shahid Aftekhar @ Md. Shahid @ Juhi, D/o Late Md. Kamrul Hoda Resident of Village - Sugauna, Basauli Via Keoti Runway @ Kuti Run Way, PS.- Rahika, Distt - Madhubani - 847121 At present Village - Sarvara, P.S.- Keoti, Distt - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Nirmala Kumari Amit Narayan, Advocates
For the State	:	Mr. Anant Kumar I, A.P.P.
For the O.P. no. 2	:	M/s Namrata Mishra Md. Kamran, Advocates

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

13 24-03-2021 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the O.P. no. 2.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 54/2017 @ C.R. Case no. 54/2017 registered for the offence under section 498A of the Indian Penal Code.

As per allegation in the complaint, the complainant was married to the petitioner in the year 2000 and four children



were born out of the said wedlock. It is stated that the accused persons including the petitioner herein started making demand of dowry to the tune of Rs. 50,000/- and on non-fulfillment of the same they physically assaulted and tortured the complainant. An attempt on her life was also made.

It is submitted by learned counsel for the petitioner that after conducting inquiry in the complaint, the learned Court below was pleased to take cognizance under section 498A of the Indian Penal Code. The allegations as levelled in the complaint are false and incorrect. It is the complainant who is torturing the petitioner and this is the third criminal case which has been filed by her. In addition to the same, maintenance case was also filed by the complainant being Maintenance Case no. 14/2017 which is pending in the Court of Family Court, Darbhanga wherein the petitioner has appeared in the proceedings and it is in fact the complainant herself who is not appearing therein. It is submitted that the petitioner is always ready to keep the complainant, however, it is she who has deserted him.

The prayer for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the O.P. no. 2. The O.P. no. 2 has filed a counter affidavit in the case stating therein that the petitioner as also the members of the



family have regularly been torturing the complainant and have left her as also the four children on road to fend for themselves. It is submitted that inspite of the petitioner earning more than Rs. 1 lac per month, no amount by way of maintenance is being given to her.

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

The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Complaint Case no. 54/2017 @ C.R. Case no. 54/2017 is directed to 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 the learned Sub Divisional Judicial Magistrate, Darbhanga subject to the conditions as laid down in section 438(2) of Criminal Procedure Code with the following conditions:-

(I) One of the bailors shall be a close relative of the petitioner.

(II) The petitioner shall remain present and cooperate in the maintenance case filed by the complainant and shall



comply with any orders which are passed therein subject to the
same being modified in appeal etc..

(Partha Sarthy, J)

Spd/-

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