

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20335 of 2020

Arising Out of PS. Case No.-487 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

MD. KHALIQUE HUSSAIN @ KHALIQUE ANSARI S/o Md. Shafakat
Ansari Village- Baswariya Ghosukpura, Ward No.31, P.S.- Bettiah Town,
Distt- West Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shamima Khatoon W/o Md. Khalique Hussain @ Khalique Ansari Resident
of Village- Baswariya Ghosukpura, Ward No.-31, P.S.- Bettiah Town, Distt-
West Champaran at present residing at Village- Sugauli Hasanpura Tola,
Ward No.06, P.S.- Sugauli, Distt- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For O.P. no. 2	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 05-07-2021 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the Opposite Party no.2 through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Trial no. 2017 of 2019
(arising out of Complaint Case no. C-487/2018) registered
under sections 498A and other sections of the Indian Penal Code
wherein cognizance was taken under section 498A of the Indian
Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the complaint, the complainant
was married to the petitioner in the year 2006. Soon after the



marriage the accused persons started to torture her physically and mentally. She was assaulted and abused for non-fulfilment of the demand of Rs. 1 lakh and a motorcycle. She was forced out of the house along with the children.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the complaint are false and concocted. Cognizance was taken under section 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act. It is the opposite party no.2 who has deserted the petitioner. The petitioner has always been ready to keep the opposite party no.2 with full respect and dignity. He was taken into custody on 10.12.2019.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for O.P. no. 2 who submits that the act of cruelty and torture by the petitioner has been going on from time to time as narrated in the complaint. The opposite party no.2 is having to fend for herself and her minor children in her *Naihar*.

Having heard learned counsel for the parties and on going through the materials on record it transpires that during pendency of this application, by order dated 23.6.2020 the petitioner had been enlarged on provisional bail. On merits, as



directed and agreed upon by the party, inspite of the petitioner going to get the opposite party no.2, it appears that the matter could not be settled and the opposite party no.2 did not come with the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstance of the case including the petitioner having remained in custody for over six months from 10.12.2019 till his release on provisional bail pursuant to order dated 23.6.2020, the Court is inclined to enlarge the petitioner on bail.

The provisional bail granted to the petitioner by order dated 23.6.2020 passed in the instant application is hereby confirmed on the same terms and conditions.

The bail applications stands allowed.

(Partha Sarthy, J)

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