

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29909 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- COMPLAINT CASE District- Araria

MD. NAUSHAD ALAM @ MD. NAUSHAD S/o Md. Imamul @ Md.
Inamul Hasan R/o Vill.-Chauraha Pairbaha, P.S.-Forbesganj, Distt.-Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Najmun W/o Md. Naushad Alam @ Md. Naushad, D/o Md. Ayub, R/o Vill.-Chauraha Pairbaha, Ward No.-13, P.S.-Forbesganj, Distt.-Araria. At present Residence of Village-Suwaldah Majhua, Ward No.-12, P.S.-Narpatganj, Distt.-Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Ataur Rahman , A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 01-03-2021 Heard Mr. Gopal Kumar Jha, learned counsel for the petitioner, Mr. Inamul Haque, learned counsel for the informant and Mr. Md. Ataur Rahman, learned counsel appearing for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. 297 C of 2019 registered for the offence punishable under Section 323, 341, 379, 498 (A), 406, 504 / 34 of the I.P.C. in which cognizance has been taken under Section 498 (A) of the I.P.C. and Section 4 of the Dowry Prohibition Act.

The allegation as per the complaint petition is that marriage of the complainant / Opposite Party No. 2 was solemnized with the petitioner about 03 years back and after marriage the accused persons started taunting that adequate dowry was not brought by the complainant / Opposite Party No.



2 and subsequently they started demanding a sum of Rs. 2 Lakhs as dowry and due to non fulfillment of the same the Opposite Party No. – 2 was assaulted physically as well as mentally by the accused persons and the complainant was ousted from her matrimonial home.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to oblique motive and he has not committed any offence in the manner alleged. Learned counsel next submits that petitioner is ready and willing to keep the Opposite Party No. – 2 as wife and the allegation against the petitioner is general and omnibus in nature. Learned counsel next submits that the date of occurrence has been alleged on 10.12.2018 but the present complaint has been filed on 30.01.2019 after considerable delay.

On the other hand, learned counsel for the Opposite Party No. 2 submits that Opposite Party No. 2 was tortured mentally as well as physically by the accused persons including the petitioner and she has strong apprehension that if she will go to her matrimonial home, she would be tortured again by the petitioner. Learned counsel next submits that petitioner is the husband of the complainant and there is responsibility upon the petitioner to maintain his wife properly with honour, care and



dignity, which the petitioner failed to discharge.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the nature of allegation levelled against the petitioner and the fact that within 07 years of the marriage the petitioner has allegedly tortured the complainant mentally as well as physically, I am not inclined to grant the privilege of anticipatory bail to the petitioner at this stage.

Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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