

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29921 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA PS District- East Champaran

IMTEYAZ QUARAISHI @ IMTEYAZ S/o Mahamdin Quaraishi R/o Vill.-
Chikpatti, Motihari, Ward No.-9, P.S.-Motihari Town, Distt.-East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Afsana Khatoon D/o Md. Basir Quaraishi R/o Vill.-Chikpatti, Sugauli Bajar,
Ward No.-9, P.S.-Sugauli, Distt.-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the State	:	Mr. Sanjay Kumar Singh
For the O.P.No. 2	:	Mr. Rai Mukesh Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 19-03-2021 Heard learned Counsel for the petitioner, learned
Counsel for the informant-Opposite Party No. 2 and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Motihari Mahila Police Station Case No. 09 of 2020,
registered for the offences punishable under Sections 498-
A/494/406/420/34 of the Indian Penal Code and Sections 3/4 of
the Dowry Prohibition Act.

The allegation, as per the First Information Report, is
that the marriage of the Opposite Party No. 2 was solemnized
with the petitioner on 09.08.2018 and after sometime, the
attitude and conduct of the petitioner and other family members



changed and they started demanding dowry and due to non-fulfillment of demand of dowry, the petitioner and his family members started torturing the informant and the Opposite Party No. 2 was finally ousted from her matrimonial home on 01.07.2019. It has also been alleged that the petitioner has performed second marriage.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of concocted story and the fact of the matter is that the informant is not having any ovary, which would be evident from Annexure-2 (Ultrasound report) to this application and that's why the petitioner has performed second marriage.

On the other hand, learned Counsel for the informant-Opposite Party No. 2 submits that the petitioner has physically tortured and ill-treated the informant continuously after the marriage due to non-fulfillment of the demand of dowry and has performed second marriage, which itself shows that the petitioner has given mental agony to the informant. He, relying upon Annexure-A to the counter affidavit, submits that the ultrasound report of the informant clearly shows that her ovaries are having normal shape, size and echo texture.



After having heard learned Counsel for the parties and taking into consideration the nature of allegation against the petitioner, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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