

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31905 of 2020

Arising Out of PS. Case No.-525 Year-2019 Thana- COMPLAINT CASE District- Araria

Md. Muzaffar Husain, aged about 30 years, Male, son of Abdul Rakib,
resident of village- Dalmalpur, P.S.-Amour, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Somaya Begum @ Bibi Somaya, aged about 25 years, Female, D/o Manjur Alam, W/o Md. Muzaffar Hussain, resident of Village- Chakai, P.S.- Jokihat, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar, Advocate
For the State	:	Ms. Meena Singh, APP
For the OP No. 2	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Md. Ziaul Quamar, learned counsel for the petitioner; Ms. Meena Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Nafisuzzoha, learned counsel for the opposite party no.

2.

3. The petitioner apprehends arrest in connection with Complaint Case No. 525-C of 2019 dated 26.12.2019, instituted under Sections 498-A of the Indian Penal Code and 4 of the Dowry Prohibition Act, 1961 (hereinafter referred to as the ‘Act’)



4. The petitioner is the husband of the opposite party no. 2- complainant and as per the complaint, there was demand of dowry of rupees two lakhs cash and one bullet motorcycle. It is alleged that on the date of occurrence the petitioner and other accused persons had snatched gold jewellery and the complainant and her child was sent to her parents' house and even in the *Panchayati*, the petitioner is said to have been adamant on the demand of dowry.

5. The Court below has taken cognizance against the petitioner and his mother under Section 498-A of the Indian Penal Code and 3/4 of the Act.

6. On 09.03.2021, the Court had issued notice to the opposite party no. 2 and had granted interim protection to the petitioner on the stand taken by him that he was unconditionally ready to keep the complainant with him with full dignity, honour and security.

7. On 27.07.2021, learned counsel for the opposite party no. 2 had informed that though the petitioner had remarried another woman, still the opposite party no. 2 was ready to go and live with the petitioner if he provides her a separate accommodation and keeps her with full dignity, honour and security and takes care of all her needs. The Court had, thus,



adjourned the matter for today when both the petitioner as well as opposite party no. 2 were directed to file affidavit.

8. No affidavit is on the record.

9. Learned counsel for the petitioner submitted that the petitioner had gone to the house of the opposite party no. 2 to bring her back, but he was locked up and beaten and when the opposite party no. 2 did not return to the matrimonial home, he has married another woman.

10. Having considered the matter, the Court finds that the allegation made in the complaint cannot be brushed aside as being frivolous and appears to be very natural. Moreover, the petitioner having remarried without taking steps to restore the matrimonial relationship or attempting any reconciliation and most importantly, there being a child, the Court is not inclined to grant pre-arrest bail to the petitioner.

11. Accordingly, the petition stands dismissed.

12. Interim protection given to the petitioner under order dated 09.03.2021 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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