

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4534 of 2021

Arising Out of PS. Case No.-469 Year-2010 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Anzar Alam @ Anjarul Hak @ Md. Anzar @ Anzar S/o Md. Abdul Rahman Resident of Village-Sosi, Police Station-Alauli, District-Khagariya.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravina Khatoon W/o Md. Anzar Alam, D/o Md. Mustafa Resident of Village-Sosi, Police Station-Alauli, District-Khagariya. Presently Residing at Village-Sivaiya, Police Station-Singhiya, District-Samastipur.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Adv.
For the Opposite Party/s : Mr. Chandrasen Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-10-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in Complaint Case no. 469 of 2010 instituted for the offence under Sections 498-A, 323 and 379 of the Indian Penal Code and Section 3/4 of the Dowry prohibition Act.



As per allegation in the compliant petition, complainant was married to the petitioner in the year 2002. Due to non-fulfillment of demand of motorcycle as dowry, she was tortured in various ways by the petitioner and his family members. When the parents of the complainant came to her matrimonial home to pacify the matter, they were also threatened by the accused persons including the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is husband of the complainant and has been falsely implicated in this case. Petitioner and his family members have never demanded any dowry to the complainant. It is further submitted that complainant has herself deserted the petitioner, left her matrimonial home and performed second marriage after changing her name as Rubi Parveen @ Rabina Khatoon with one Md. Tabrez Alam, seven years ago. In this respect, a certificate issued by the Sarpanch of Gram Kachahri Mahathi South, is annexed as Annexure-2 to this petition.

Learned APP has opposed the prayer of bail of the petitioner.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this



Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Trial No. 123 of 2019 arising out of Complaint Case no. 469 of 2010, he will be enlarged on bail on furnishing bail bond of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera at Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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