

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36391 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- MAHILA P.S. District- Vaishali

MD. SADDAM HUSSAIN S/o Md. Khalil R/o village- Majhauri
Mahamadpur, P.S.- Sarai, District- Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Ashok Kumar Sinha
Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-04-2021

Heard both sides.

The petitioner apprehends his arrest in Mahila PS case No. 26/2020 registered under Section 498A, 494, 341, 323, 379, 354 of the IPC and u/s 3/4 of Dowry Prohibition Act.

The informant, wife of the petitioner, alleged that her husband solemnized 2nd marriage and thereafter subjected her to all sorts of physical and mental torture on account of non fulfillment of demand of dowry. Her husband was also subjecting her to all sorts of torture before solemnizing 2nd marriage on account of non fulfillment of demand of dowry.

The learned counsel for the petitioner submits that wife of the petitioner has made false and frivolous allegation. The informant does not want to live with her husband. The petitioner never demanded any dowry and, therefore, the petitioner deserves anticipatory bail but the learned Additional P.P. and the learned counsel for the informant opposed the prayer for anticipatory bail and submitted that from perusal of the order of learned Sessions Judge it would appear that when



the petitioner was called upon to keep his wife he refused to keep his wife properly and on such consideration prayer for anticipatory bail of the petitioner was rejected.

Having considered the submissions of both sides, it appears that petitioner is husband of the informant. The informant made specific allegation of demand of dowry and torture against the petitioner. The petitioner also solemnized second marriage.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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