

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39540 of 2020

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Seraj Anwar, aged about 28 years, Male, son of Late Abdul Salam, resident of Mohalla, Shaikh Mohalla, P.S. Siwan, District-Siwan

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Abdul Mannan Khan, Advocate

For the State :- Ms. Renu Kumari, APP

For the Informant:- Mr. Rajiv Kumar, Advocate

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

- 2. 02.06.2021** The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and

Ms. Renu Kumari, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 50 of 2020 for the offence registered under Sections 341, 323, 504 and 498A/34 of the Indian Penal Code.

The case of the prosecution in brief is that the marriage of the informant was solemnized with the petitioner on 29.02.2020 as per Muslim rites and rituals, whereafter the informant had started living at her in-laws place. It is alleged that huge amount of dowry was given to the petitioner as also his relatives at the time of marriage. The informant has also stated in her complaint petition that she has been mentally and physically tortured on account of non-fulfillment of the demand for dowry. It is also alleged by the informant that the petitioner used to assault the informant, used to behave indecently with her and used to pressurize her to make physical contact with the brother-in-law of the petitioner and further, the petitioner used to burn the informant by cigarette buds.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner is ready and willing to keep his wife with due honour and dignity and the fact is that within a short span of time, the informant had created an uproar and had then fled away from the matrimonial home.

Per contra, the learned Counsel for the informant, Shri. Rajiv Kumar has submitted that there is no question of any re-conciliation or mediation inasmuch as the informant has been brutally burnt with cigarette buds apart from being physically and mentally tortured and being pressurized to have illicit relationship with the brother-in-law of the petitioner as also had been confined in a room on account of non-fulfillment of the demand for dowry.

The learned A.P.P. for the State Ms. Renu Kumari has submitted that the possibilities of re-conciliation and resolution of the matrimonial disputes can be explored.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those recorded in the order dated 12.10.2020 passed by the learned Sessions Judge, Siwan, it is apparent that the Police, upon investigation has found the allegations leveled by the informant to be prima facie true and even otherwise the allegations leveled in the FIR by the informant are such, that the same definitely disentitles the petitioner to the privilege of anticipatory bail, hence I do not find the present case to be a fit case for grant of anticipatory bail, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-