

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78395 of 2019

Arising Out of PS Case No.-7 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

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Md. Khurshid @ Mu. Khurshid @ Md. Khurshid Alam, aged about 32 years,
Son of Late Abdul Rashid, Resident of Village - Badluchak, P.S.- Jagdishpur,
District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahina Parvin, Wife of Md. Khurshid, Daughter of Md. Kalim, Resident of
Village- Sahjangi, PS- Hasepur, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Opposite Party No. 2	:	Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Praveen Kumar, learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with Jagdishpur PS Case No. 7 of 2018 dated 07.01.2018, instituted under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

3. The allegation against the petitioner is that after marriage in the year 2008, she lived in the matrimonial home peacefully but since 2013, she was being tortured for dowry



demand of Rs. 1 lakh and one motorcycle due to which she was ousted from the matrimonial home and was living at her parents' house. It was further alleged that the petitioner had solemnized second marriage.

4. Learned counsel for the petitioner submitted that after 2013, the petitioner kept trying to reconcile the matter and bring the opposite party no. 2 back, but she refused to do so and finally in a *Panchayati*, she had taken her articles. It was further submitted that the petitioner herself has taken *Fatwa* in which she has stated that the petitioner had given her divorce. Learned counsel submitted that the petitioner has remarried and wrongly statement was made in the main application that he has not remarried. It was submitted that the petitioner was ready for a one-time settlement but the amount demanded by the opposite party no. 2 was exorbitant and beyond his reach as would be clear from the assets, details of which he has brought on record by way of an affidavit.

5. Learned APP submitted that the petitioner is the husband and after demand of dowry when the opposite party no. 2 was forced to go to her parents' place, the petitioner also remarried.



6. Learned counsel for the opposite party no. 2 submitted that, as has been stated in the counter affidavit filed by her, the so-called signature of the petitioner while receiving the list of articles is forged and fabricated and with regard to the *Fatwa*, she has no knowledge of any such documents and never she has admitted before any authority that the petitioner has granted her divorce. Learned counsel submitted that a wife being ousted from the matrimonial home and not taken back and there being nothing to show that serious efforts were ever made by the petitioner to bring her back to the matrimonial home or for conciliation, the bald stand that the petitioner had tried to bring her back is false.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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