

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25030 of 2022

Arising Out of PS. Case No.-1399 Year-2020 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

MD. SHAHWAJ @ MD. SHAHBAZ S/o Md. Mukhtar R/o Mohalla - Hazi Subhan, Purab Sarai, P.S. Purab Sarai, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAZNIN PARVEEN W/o Md. Shahwaj @ Md. Shahbaz R/o Mohalla - Hazi Subhan, Purab Sarai, P.S. Purab Sarai, District - Munger, At present residing at - Sabzi Market Thana Road, P.S. and P.O. - Sultanganj, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravish Mishra
For the Opposite Party/s :	Mr.Shailendra Kumar
	Mr. Rajendra Kumar Jain

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner and learned counsel for the complainant.

The petitioner apprehends his arrest for the offences alleged under Section 498(a)/34 of the Indian Penal registered in connection with Complaint Case No. 1339 of 2020.

As per allegation, the marriage of the complainant was solemnized with the petitioner in the year 2018. The



accused persons subjected her to torture for non-fulfilment of demand of a vehicle in dowry. Her matrimonial inmates did not visit her native place even after after she gave birth to a female child.

The learned counsel for the petitioner has submitted that the petitioner is innocent and there is no specific allegation about demand of dowry.

On the other hand, learned counsel for the complainant has submitted that the process under Sections 82 and 83 of the Cr.P.C. has issued in this case, as such, the petitioner is not entitled for anticipatory bail.

Considering the facts and circumstances of the case and also considering the recent decision of Hon'ble Supreme Court reported in *AIR 2021 SC 5125, Prem Shankar Prasad Vs. The State of Bihar and another* that when the process under Sections 82 and 83 issued, the petitioner is not entitled for anticipatory bail.

This anticipatory bail petition is disposed of with a direction that if the petitioner surrenders before the court below and seeks regular bail, that shall be disposed of only after giving proper opportunity to both the parties to explore the possible of amicable resolution of the dispute.



Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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