

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37372 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MAHILA P.S. District- Saran

MD. ASLAM SON OF AKHTAR HUSSAIN RESIDENT OF MOHALLA-
IMLI MOHALLA, KARIM CHAK, P.S.- CHAPRA TOWN, DISTRICT-
SARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. FIZA PREVEEN WIFE OF MD. ASLAM, D/O- SAGIR HASSAN
RESIDENT OF MOHALLA- DAHIYAWA AMMA SAHAB KI GALI, P.S.-
TOWN, DISTRICT- SARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahtab Alam, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Ankush Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-09-2022 Heard Mr. Mahtab Alam, learned counsel for the
petitioner, Mr. Ashok Kumar Singh, learned counsel for the
State and Mr. Ankush Prasad, learned counsel for the informant.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with Saran
Mahila P.S. Case No. 80 of 2021 under Section 498(A) of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per the FIR, the informant has alleged that she was
married to the petitioner on 30.03.2017 and after her marriage,
the accused persons including the petitioner herein tortured her



for non-fulfillment of demand of dowry of Rs. Five Lakhs. It is further alleged that in the meantime, she became pregnant but the accused persons were not taking care of her and then she went to her parental home. It is further alleged that on 28.12.2017, she gave birth to a female child but despite on information, none of her in-laws came to see her. Accordingly the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that although he accepts the lady to be his wife who is now blessed with her three months child, he is not in a position either to keep her in his house nor having is any financial status to pay her any money.

Learned counsel for the informant, on the other hand, has taken this Court to t the FIR to show how she has been tortured which increased after the birth of the female child. Even during her pregnancy, it has been alleged that she was forced to remain at her mother's home and all the expenses were taken care of by her parents. On the birth of the female child, no one from her in-laws came to either see the child or take care of her. It is lastly incorporated in the FIR that to her knowledge, the petitioner has also solemnized another marriage.

Taking into account the aforesaid facts and the



allegations made therein, this Court for the present is not inclined to grant him any relief and the bail application is accordingly rejected.

(Rajiv Roy, J)

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