

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77205 of 2019

Arising Out of PS. Case No.-414 Year-2018 Thana- BANIAPUR District- Saran

JAVED AKHTAR S/o Late Ashik Miyan R/o village- Paigambarpur, Chhota Chouk, Kuraishi Tola, P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjida Khatun W/o Javed Akhtar, D/o Galib Hussain At present R/o village- Durgapatti, P.S.- Baniyapur, District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Bhaskar, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, A.P.P.
For the Informant	:	Mr. Datya Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

13 31-08-2022 Heard learned counsel for the petitioner, the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 307, 326, 498(A) and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The complainant/informant alleges that she was married with the petitioner in the year, 2011 and after marriage she lived happily for six months thereafter the accused persons including the petitioner started demanding motorcycle and



started torturing. Thereafter, she gave birth two children and on 18.12.2017 in the midnight the accused persons set her on fire as a result of which she sustained burn injury on her mouth, chest and neck and treatment was done at PMCH, Patna. It is alleged that accused persons again assaulted the informant on 15.07.2018 and after snatching her personal belongings ousted her from the matrimonial home.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as the marriage was in the year, 2011 and the present case came to be instituted in the year 2018 i.e. after seven years of marriage. He further submits that though there is allegation in the FIR that the informant was put on fire but then no case was instituted when the occurrence took place.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the informant has been tortured to an extent which cannot be explained and the informant has been ousted with her two minor children and the petitioner is not willing to keep her even.

In view of the submission made by the learned counsel for the informant, the Court asked the petitioner, who is



present along with the opposite party no. 2 in compliance of the order dated 11.08.2022, that as to whether he is willing to give another chance to his wife so that she along with the children stay with him, to which he flatly said no.

In such circumstance, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Baniyapur P.S. Case No. 414 of 2018 pending in the Court of learned Additional Chief Judicial Magistrate-XI, Saran at Chapra/successor Court.

Hence, prayer for anticipatory bail is refused.

(Satyavrat Verma, J)

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