

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.224 of 2020

Arising Out of PS. Case No.-341 Year-2019 Thana- CHIRAIYA District- East Champaran

MD. SARFARAJ AHMAD @ SARFARAJ AHMAD @ MD. SARFARAJ
Son of Nek Mohammad, Resident of Village - Kathmaliya, P.S.- Shikarganj,
District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 22-06-2022 Heard the learned counsel for the petitioner as well as
the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Chiraiya P.S. Case No. 341 of 2019 registered for offence punishable under sections 498A/34 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act.

The informant, Afsana Khatoon is wife of the present petitioner. She lodged FIR stating therein that her marriage was solemnized with the petitioner twelve years ago. The couple were blessed with two sons. Three months prior to lodging of the FIR, the petitioner demanded Rs. 2,00,000/- cash from the father of the informant. When he expressed his inability to pay, the petitioner inflicted mental and physical cruelty upon the



informant and lastly he ousted the informant from her matrimonial house.

The learned counsel for the petitioner has submitted that the marriage was solemnized twelve years ago and it is unbelievable that after twelve years dowry would not be demanded. He has submitted next that the petitioner had taken Rs.60,000/- on credit from the brother of the informant and also Rs. 10,000/- from her cousin and it was only the reason for dispute between the parties.

The learned counsel for the informant has submitted that the petitioner has solemnized his second marriage, to which the learned counsel for the petitioner has replied that the case has not been lodged under section 494 of the Indian Penal Code.

For exploring the amicable settlement of the dispute between the couple, the matter was referred to the District Mediation Centre, East Champaran, Motihari and the report as well as order sheets of the Mediation Centre is annexed with the record, which shows that on five consecutive dates, the petitioner avoided persistently his presence before the learned Mediator, whereas the informant was appearing on each and every date. Ultimately, the process of mediation failed due to non-appearance of the petitioner. The conduct of the petitioner



appears that he is reluctant in restoration of conjugal life. He himself avoided persistently the process of mediation, which shows that he is not willing to keep the victim with him.

As such, in my view the petitioner does not deserve the privileges of anticipatory bail and accordingly, his prayer for anticipatory bail is hereby rejected.

(Nawneet Kumar Pandey, J)

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