

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15570 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

MD. JAMAL @ MD. JAMALUDDIN S/o Late Abdul Khalik R/o village-
Bhasaul, P.S.- Bahera, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Raunak Praveen W/o Md. Jamal @ Md. Jamaluddin, D/o Md. Naushad R/o village- Rajaura, P.O.- Raiyaam Sugar Factory, P.S.- Raiyaam, Distt- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Chandra
For the State	:	Ms.Shaheen Begum
For the O. P. No. 2	:	Mr. Rashid Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 13-12-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner, learned Counsel for the complainant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 506 of 2022, in which cognizance has been taken for the offences punishable under Sections 341/323/498-A/504/506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.3. The prosecution case, as per the complaint petition filed by the Opposite Party No. 2, is that the marriage of the petitioner was solemnized with the petitioner on |
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29.08.2021 and after sometime, the petitioner and other family members started demanding a motorcycle and Rs. 1,00,000/- by way of dowry and due to non-fulfillment of the said demand, the petitioner and other family members tortured the Opposite Party No. 2 physically as well as mentally and also ousted the Opposite Party No. 2 from her matrimonial home after snatching all her belongings.

4. Learned Counsel for the petitioner submits that the complaint was filed by the Opposite Party No. 2 against the petitioner and his family members. The learned Magistrate did not take cognizance against other family members of the petitioner and cognizance, under Sections 341/323/498-A/504/506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, was taken against the petitioner only. He further submits that the petitioner has falsely been implicated in this case on the basis of concocted story, having general and omnibus allegation against the family members, including the petitioner. He further submits that the complainant, in order to harass the petitioner and his family members filed Raiyam Police Station Case No. 59 of 2022, on 23.11.2022, for the offences punishable under Sections



341/323/354-B/504/498-A/506/509/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, within one month of the order taking cognizance in the complaint case filed by her. In the First Information Report, the petitioner was also made one of the accused along with his family members, in which a co-ordinate Bench of this Court, vide order, dated 18.05.2023, passed in Criminal Misc. No. 15206 of 2023, granted anticipatory bail to the petitioner.

5. On the other hand, learned Counsel for the complainant- Opposite Party No. 2 argues that the petitioner obtained divorce from the Opposite Party No. 2 from Imarat-e-Shariah, where the petitioner had promised that he would return all the articles and expenses, including the Den Mehar to the Opposite Party No. 2 and will also make provision for maintenance of the Opposite Party No. 2 for her lifetime.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner has been granted anticipatory bail by this Court in the case of similar nature filed by the Opposite Party No. 2 just after the cognizance was taken by the



learned Magistrate in this case, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga, in connection with Complaint Case No. 506 of 2022.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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