

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23471 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- LAKHNAUR District- Madhubani

ABDUL HAQUE Son of Abdul Rauf Resident of Village - Umari, P.S.-
Lakhnaur, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rana Parween Wife of Abdul Haque Resident of Village and P.O.- Umari,
P.S.- Laknaur, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat,Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 02-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Lakhanpur P.S. Case No. 14 of 2022 (G.R. No. 176 of 2022) for the offence registered under Sections 341, 323, 379, 498(a), 504 and 34 of the Indian Penal Code and under Section 3/4 of Dowry Prohibition Act.

As per the FIR, the lady Rana Praween alleged that she was married to the petitioner on 18.03.2018 and at the time of marriage, her family members had given gift/dowry. However, immediately after the marriage, the accused persons (family members of the petitioner) started demanding Rs. 2 lakhs and as they failed to pay, she was subjected to mental and physical harassment. The lady has alleged that she being a 'Tola



Sewak' and a 'Tailor Master', often used to give them Rs. 7,000/-. However, the petitioner who had the habit of drinking, in intoxication asked her to bring Rs. 2 lakhs and when she showed her inability, was badly assaulted and confined in a room.

The allegation in the FIR is that beside assault, she was kept hungry and was also disturbed which resulted in her duty as '*Tola Sewak*'. The further allegation is that once she found the petitioner, her husband in an objectionable condition with a girl namely, Soniya Parween and when she protested, both of them assaulted her.

The further allegation is that the petitioner took her ATM Card and withdrew Rs. 70,000/- and from the said amount purchased clothes for the another lady, Soniya Parween.

Lastly, on 23.10.2021, the lady was badly assaulted and thrown her out of the house, she went to '*naihar*'. On 25.10.2021, a '*Panchayat*', was held but while the Panchayti people kept waiting for them, the petitioner and/or his family members chose not to participate and when on 01.11.2021, petitioner took Soniya Parween with him to Jaipur, she was left with no option but to lodge the FIR.

In this case, a Co-ordinate Bench of this Court on



09.11.2022 had preferred the matter to the Mediation Center while granting interim protection to the petitioner.

When the matter was taken up by this Court on 02.02.2023, a letter sent by the Mediator dated 16.01.2023 kept at 'Flag B' show that the mediation failed.

This Court has gone through the FIR, the allegation is that not only the petitioner tortured the lady for want of dowry, she was also regularly disturbed affecting her work as '*Tola Sewak*',. Further, her ATM Card was used to withdraw Rs. 70,000/- and from which clothes were purchased for another lady. Lastly, she saw her husband in objectionable condition with another lady, Soniya Parween and as a wife, when she protested, was badly assaulted by both of them.

Lastly, the allegation is that she remained without food for days, was assaulted and thrown out, '*Panchayati*' was held in which the petitioner chose not to appear.

Considering all the aforesaid factors, this Court, this Court is convinced that it is not a fit case for extending the privilege of anticipatory bail to the petitioner, which is accordingly rejected.

(Rajiv Roy, J)

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