

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51211 of 2021**

Arising Out of PS. Case No.-1193 Year-2019 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Md. Shamsheer @ Raja @ Md. Shamsheer Alam Son of Md. Atabul Hak @
Atabul Rahman Resident of Village- Surtipatti, Dih tola, Ward No. 1, Dabhari,
P.S.- Supaul, District- Supaul, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Farjana Khatun Wife of Md. Shamsheer @ Raja @ Md. Shamsheer Alam,
Daughter of Md. Sohrav Resident of Village- Mohanpur, Ward No. -5, P.S.-
Balvahal (Bakhtiyarpur), District- Rohtas, State- Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s	:	Ms. Pronoti Singh, APP
For the Informant	:	Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

17 06-07-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1193C of 2019 registered for the offences
punishable under Sections 323 and 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and being husband has
been falsely implicated in the present case, it is next submitted that
from perusal of the allegations as alleged in the FIR it would
manifest that the allegation of demand of dowry and torture is not
specific rather is general and omnibus in nature.

Learned A.P.P. for the State and learned counsel for the



informant oppose the prayer for anticipatory bail of the petitioner and the learned counsel for the informant submits that petitioner has performed his second marriage and thus is not interested in maintaining the informant and the child. It is further submitted that the informant had instituted a case seeking maintenance before the learned Family Court, Saharsa in which the learned Family Court had issued notice upon the petitioner but then the petitioner also chose not to appear in the said proceedings, thereafter the learned Family Court having no option decided the case *ex-parte* and directed the petitioner to pay a maintenance of Rs. 5000 per month. Learned counsel next submits that till date not a single penny has been paid to the informant and the informant is running from pillar to post with the child while the petitioner is enjoying his life with his second wife

Considering the submissions made by the learned counsel for the informant, the Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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