

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62092 of 2023

Arising Out of PS. Case No.-236 Year-2018 Thana- MUNGER MUFFASIL District- Munger

Md. Mustafa @ Chintu @ Mustafa Alam @ Md. Mustafa Alam Son Of Late
Md. Rafique Resident Of Mohalla - Dilawarpur, P.S. - Kotwali, District -
Munger

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Shama Praveen Wife Of Md. Mustafa @ Chintu @ Mustafa Alam, Daughter
Of Md. Shamshad Resident Of Mohalla - Shankarpur Colony, Quarter
No.184, P.S. - Kotwali, District - Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Nobody appears on behalf of the O.P. No. 2.

2. The petitioner apprehends arrest in connection with
Muffasil (Munger) P.S. Case No. 236 of 2018 dated 15.07.2018
instituted for the offence punishable under Sections 323, 324, 313,
498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. The prosecution case, in short, is that the informant
was married with the petitioner Md. Mustafa Alam @ Chintu, and
after marriage, informant went to her matrimonial home. After few
days, the informant was subjected to cruelty on the pretext of
bringing less dowry. The husband and other in-laws started



demanding one freeze and one lakh rupees and on account of non-fulfilment of the same, she was being tortured. By efflux of time, the informant gave birth to two daughters for which her husband and other in-laws became angry and the accused persons told that the informant cannot give birth to a son. When the informant became again pregnant, her husband gave her some medicine for abortion due to which her condition deteriorated. The signature and thumb impression of the informant was forcibly taken on plain paper by her husband. She was badly tortured and lastly she along with her two daughters were left at her *maike* by her husband and thereafter her husband has performed second marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is husband of the informant. Learned counsel for the petitioner submits that the petitioner is ready to keep his wife(informant) with full dignity and honour but the informant herself does not want to live with the petitioner. Informant herself fled away from the house of the petitioner and lastly as per the Muslim customs, both the parties dissolved their marriage by way of *Talak* in presence of family members as well as the well wishers of both the parties and the father of the informant, namely, Md. Shamshad and others put their signature on the stamp paper with regard to dissolution of



marriage and the same has been notarised by the Notary Public, Munger on 10.03.2018. Learned counsel for the petitioner submits that after dissolution of the marriage on 10.03.2018 which was done with the consent of family members, parents and other well wishers of both sides, and after passing few months, the present F.I.R. was lodged with ulterior motive. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Muffasil (Munger) P.S. Case No.236 of 2018, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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