

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.595 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- BETTIAH CITY District- West
Champanan

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ISHTEKHAR ALAM Son of Late Yasin Miyan R/o Moti Tola, Bhitaha, P.S-
Bairiya dist- West Champanan (As per the FIR at present R/O Royal Excel,
Malik Bazar, No. 203, A.J.C. Eka Road , Kolkata)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hajra Khatoon Wife of Ishtekhar Alam, D/o late Ali Ahmad R/O Kalibagh,
Chamartoli, Ward no. 10, PS- Bettiah Town (Kalibagh O.P) Distt- West
champanan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Braj Kishore Pd., APP
For the O.P. no. 2	:	M/s Akhileshwar Kumar Shrivastva Amrit Kirti, Advocates

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 12-09-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.
2.
2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Bettiah Town (Kalibagh O.P.) P.S. Case no. 258 of 2022
registered under sections 498A, 323, 354, 379, 504 and 34 of
the Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.
3. As per the prosecution case, it is stated by the



complainant that she was married to the petitioner herein according to the Muslim rites and customs on 15.12.2020. At the time of marriage members of her family had given a sum of Rs. 4 lacs in cash, ornaments and other gift articles. It is stated that the accused persons kept her in *Sasural* in a proper manner for about two months but, thereafter, the accused persons including the petitioner herein started to abuse and physically and mentally torture her for non fulfillment of demand of dowry which was to the tune of Rs. 10 lacs. It is stated that on 24.7.2021 at 11 P.M. the accused persons assaulted her brutally. Ultimately she was brought to her *Maike*. As the police personnel in the police station did not accept the FIR, she gave information to the Superintendent of Police on 6.12.2021 and thereafter she filed the instant complaint.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only on account of being the husband of the complainant. The allegations levelled in the complaint are all false and concocted. For the occurrence alleged to have taken place on 24.7.2021, even as per the complainant, information to the police personnel was given only on 6.12.2021 and complaint was filed on 19.2.2022 without any explanation for delay. The petitioner



has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no. 2. Learned counsel for the opposite party no. 2 submits that the petitioner happens to be the husband of the complainant against whom there is direct allegation in the complaint. So far as *Panchnama* (Annexure-2) being relied on, on behalf of the petitioner is concerned, the same is a manufactured document. The petitioner has entered into a second marriage. It is further submitted that in the mediation, the petitioner refused to permit the complainant to live with him.

6. In response, learned counsel for the petitioner submits that the Personal Law of the parties do not prohibit second marriage of the petitioner.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegations in complaint, the submission made on behalf of the petitioner together with the delay in lodging of the complaint, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Bettiah Town (Kalibagh O.P.) P.S. Case no. 258 of 2022 on furnishing bail



bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the
like amount each to the satisfaction of learned Chief Judicial
Magistrate, Bettiah, West Champaran.

(Partha Sarthy, J)

Spd/-

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