

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7782 of 2024

Arising Out of PS. Case No.-344 Year-2008 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Md. Kaisar Son of Md. Mobin Resident of Village- Badi Pati Tilaiya
(BADIYALI Tilaiya), Ps- Narhat, Dist- Nawada At Present Resident of
Alimuddin Street, Park Streat, H.O. Kalkata, West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakila Khatoon Wife of Md. Kaisar Resident of Village- Badi Pati Tilaiya
(BADIYALI Tilaiya), Ps- Narhat, Dist- Nawada At Present Daughter of Late
Minhaj Ahmad, Village- Katanikal Ps And Dist- Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv
For the Opposite Party/s : Mr. Pushpa Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-02-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 344C of 2008 dated

04.10.2023 registered for the offence punishable u/s 498A of the

Indian Penal Code.

4. As per the prosecution case, the marriage of the

complainant, *Sakila Khatoon* was solemnized with petitioner,



Md. Kaisar as per Muslim rites and rituals. It is submitted that petitioner and the co-accused persons are alleged to have tortured her and ousted her from the matrimonial home due to non-fulfillment of demand of Rs. 50,000/-. Further, two children were born from the wedlock of the petitioner and the complainant.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. It is submitted that petitioner is the husband of the informant and is ready to keep his wife with full dignity and honour. The allegation against the petitioner is general and omnibus and there is no specific allegation against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the process of 82 and 83 Cr. P.C. had already been issued against the petitioner and the court below has issued red warrant against the petitioner, the anticipatory bail application is not maintainable against the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the fact that the petitioner was declared a



proclaimed offender so the prayer of anticipatory bail for the petitioner is not maintainable. Accordingly, the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks from today and the prayer for regular bail and the learned Court below shall consider the prayer for regular bail of the petitioner on the same day prejudiced by this order.

8. The application stands disposed of.

(Chandra Prakash Singh, J)

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