

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18119 of 2024

Arising Out of PS. Case No.-2703 Year-2019 Thana- COMPLAINT CASE District- Araria

Md. Isrul @ Isrul S/o Late Md. Qurban Resident of Village- Kajleta, P.S. Jokihat, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Mehnaj W/o Md. Isrul @ Isrul D/o- Matiful R/o Village- Domaria, Ward No. 3, P.S. Palasi, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Naushaduzzoha, Advocate
For the Opposite Party/s	:	Mr. Rajesh Kumar , APP
For OP 2	:	Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 03-07-2024 Heard learned counsel for the petitioner , opposite party No. 2 and the State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under section 498A of the Indian Penal Code .

3. As per the prosecution case , the complainant Bibi Mehnaj solemnized marriage with this petitioner about five years ago . After some years of marriage , petitioner along with his family members started demanding dowry from the victim and due to non-fulfillment of the same victim was subjected to



cruelty and harassment. It is lastly alleged that accused persons also tried to kill the victim and ousted her from her matrimonial house .

4. Learned counsel for the petitioner submits that the entire prosecution case is false and concocted. Petitioner never demanded any dowry from the complainant nor he tortured her for the same. On advice and consent of the complainant (victim) this petitioner solemnized second marriage . But after birth of a child from her second wife, the complainant herself left the house of the petitioner and went to her *maikey* . It is further submitted that when the petitioner went to the house of the complainant to bring her back she refused to return to her matrimonial house . However, petitioner is ready to keep his wife with full honour and dignity. Petitioner claims clean antecedent.

5. Learned counsel for the State as well as opposite party No. 2 opposed the prayer for bail and submitted that there is specific allegation against the petitioner is that being the husband of the victim, he along with his family members demanded dowry from the victim and due to non-fulfillment of the same , victim was subjected to cruelty and harassment. It is further submitted that in spite of direction of the learned



Principal Judge (Family Court), Araria to pay the maintenance amount to the complainant but till date the petitioner has not paid any maintenance amount to the complainant.

6. Considering the nature of accusation and gravity of offence , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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