

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37959 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- KADWA District- Katihar

Parwej Alam @ Md. Parwej Alam @ Md. Parbej Alam, son of Md. Afsar Ali
@ Afsar Ali, Village- Beltikri Khushalpur P.S.- Kadwa Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Roshanara, wife of Parwej Alam, D/o- Alauddin Village- Sikorna Kalyani
Tola Ps- Kadwa Dist- katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ejaz Akhtar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kadwa P.S. Case No. 05 of 2024, registered on 05.01.2024 for the offences under Sections 498(A), 406, 420 and 313 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, the complainant/informant and the petitioner established physical relationship and when the informant became pregnant, her pregnancy was aborted by the petitioner by administering her some medicine. Subsequently, the petitioner solemnized marriage with the informant who was



driven out from her matrimonial home. Further allegation against the petitioner is that he also prepared forged paper of *Khula Talaknama*.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and informant have been residing at the same place for the purpose of study and the informant/complaint is trying to take advantage of this fact. Story of the informant is not believable as the informant has not lodged any complaint about her abortion and allegation of misbehavior is false and concocted. The informant herself sent a *Khula Talaknama* by registered post to the petitioner and the police, during investigation, found it to be a genuine paper. The petitioner has also lodged Complaint Case No. 2258 of 2023 before the Chief Judicial Magistrate, Katihar. The present case has been lodged against the petitioner and other co-accused persons for unduly pressurizing them in allowing solemnization of marriage of the petitioner with the informant. Petitioner is a student aged about 21 years and is having clean antecedent. Learned counsel further submits that though the matter was sent for mediation, the mediation failed as the informant has been demanding unreasonable amount which the petitioner could not



pay.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner for inducing the informant into establishing sexual relationship and there is further allegation for causing abortion of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected

(Arun Kumar Jha, J)

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