

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53157 of 2024

Arising Out of PS. Case No.-1267 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md. Faiyaz Son of Md. Subhan R/O Vill.- Dularpur Fatehpur, P.s.-
Bhaganpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahina Khatoon Wife of Md. Faiyaz R/O Vill.- Dularpur Fatehpur, P.s.-
Bhaganpur, Dist.- Begusarai. Present Address- Vill. Arwa Dih, P.s.-
Bhaganpur, Dist.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Pronoti Singh, APP. Md. Rashid Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 1267C of 2020 registered for the offences
punishable under Section 498(A) of the Indian Penal Code.

3. Petitioner, who is husband of complainant, is said to
have tortured upon her physically and mentally and ousted her
along with her children from her matrimonial home in
association of his family members over the dowry demand.

4. It is submitted by learned counsel for the petitioner that
the petitioner is an innocent person and has committed no



offence. He has falsely been implicated in the present case due to ulterior motive. He has neither made any dowry demand nor tormented the complainant over the demand of dowry nor drove her out of her matrimonial home. All the allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the complainant herself did not want to live in her matrimonial house with her in-laws. She left her matrimonial house along with her entire belongings with her own will and filed this false case with mala fide intention. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail. Learned counsel for the complainant submits that in Maintenance Case No. 94/2021, the petitioner was directed to pay Rs. 4,000/- to the complainant on the 5th of every month and Rs. 3,000/- each per month to his children until they become adult, but till date not a single penny has been provided by the petitioner as maintenance to his wife and his children, which shows non-compliance of the order passed in maintenance case. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, since the petitioner has not complied the order passed in



Maintenance Case No. 94 of 2021, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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