

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55497 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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SYED SARFARAZ @ SIMBA HUSSAIN @ SEMAB HUSSAIN Son of
Syed Tafazzul @ Tafazzul Hussain RESIDENT OF CHOTI BAZAR,
DURUKHI IMAMABARA (AT THE CORNER OF HATHIKANA LANE)
PO- JHAUGANJ, PS - KHAJEKALAN, DISTRICT PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilkash Ghazala D/o Md. Shakil Resident of village - ward no. 11, Bale,
Bhutahi, Sitamarhi, Pin 843317, at present resident of C/o Md. Salim Ansari,
Mohalla - Sheikha Ka Roja (Noonka Chauraha), P.O. - Jhauganj, P.S. -
Khajekalan, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Kumar Singh, Adv.
For the Opposite Party/s : Mr.Amitesh Kumar, APP.
Mr. Rakesh Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in Complaint
Case No. 83 of 2023 registered for the offences punishable
under Sections 420, 34 of the Indian Penal Code.

3. Allegedly, petitioner along with other co-accused
persons are said to have made the complainant's side spend a
huge amount of money for the arrangements of the marriage and
also taken Rs. 5,00,000/- for purchasing flat, but on the date of
marriage, petitioner and accused no.2 refused to put their
signatures on *Nikahnama*.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Petitioner is Senior Manager in Central Bank of India and is presently posted in Ahmedabad. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. It is further submitted that when the petitioner went to Hotel Windsor on 24.12.2022, the banquet hall was not ready. Thereafter, the petitioner booked room no. 205 in the same hotel at his own cost. After sometime, at about 07:00 pm, the father of complainant visited the room of petitioner and requested him not to insist for *Nikah* through his ritual and *kazi*. Due to difference between the parties regarding the rituals of marriage, the petitioner and his father refused to put their signatures on *Nikahnama* and thereafter, only with a view to harass the petitioner and others, the prosecution party has filed this false case against the petitioner and other co-accused persons. Petitioner has no criminal antecedent as mentioned in para-3 of this 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 there is serious allegation against the petitioner to refuse to put his signature on *Nikahnama* on the date of the marriage due to non-fulfillment of his demand for Rs. 10,00,000/- (Rupees Ten lacs only). Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as considering the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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