

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67454 of 2023

Arising Out of PS. Case No.-210 Year-2020 Thana- CHANDAUTI District- Gaya

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Murshid Islam Nadvi @ Md Murshid Alam @ Murshid Ul Nadvi @
Murshidul Islam Nadvi Son Of Md. Islan Nadvi @ Mahammad Islam
Nadvi, Mustak Ahamad Resident of 311 (A) Anup Nagar, P.S. Indar, District
Indor (M.P.)

... .. Petitioner/s

Versus

The State Of Bihar

Nikhat Nisar, Daughter of Md. Nisar Ahmad, Resident of Mohalla- Aliganj
Road.12, Katari Hill, Road, P.S. Chandauti, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Fakhruddin Ali Ahmad, Adv
		Md. Tauqueer Azhar, Adv
		Mr. Neearj Kumar, Adv
For the Opposite Party/s :		Mr.Ajay Kumar No. 2, APP
		Mr. Shailesh Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Chaudauti P.S. Case No. 210 of 2020 dated 7-11-2020 for the
offences punishable under Sections 498A and 34 of the Indian
Penal Code and Sections 3 and 4 of D.P. Act.

3. Learned counsel for the OP no. 2 submits that the
case was referred for mediation, but then the mediation failed. It is
also submitted that police, after investigation, submitted charge
sheet and cognizance came to be taken.

4. It is further submitted that the OP no. 2 was even
ready for one-time settlement on Rs. 15 lakhs, but the same was
denied by the petitioner and the petitioner gave a counter offer of



Rs. 6 lakhs, to which the OP no. 2 did not agree, as she was only requesting the petitioner to return the amount which was spent in the marriage. It is next submitted that for the last more than three and a half years, the OP no. 2 is living at her parental home and the petitioner has not paid a single penny towards her maintenance as such, one can well imagine the plight of the OP no. 2 as she is completely dependent on her parents and brother.

5. The learned counsel for the petitioner submits that petitioner teaches in a *Madarsa* and gets a salary of Rs. 2,500/- and thus is not in a position to pay any maintenance amount, but then is not in a position to rebut the submission of the learned counsel for the OP no. 2 that the OP no. 2 for the last more than three and a half years is staying at her parental home with no financial support of the petitioner.

6. Considering the submission made by the learned counsel appearing on behalf of the OP no. 2, the court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application is dismissed.

(Satyavrat Verma, J)

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