

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78628 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- JOGAPATTI District- West Champaran

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AFSAR ALAI @ AFSER ALI SON OF RAUF ANSARI R/O JAGIRAHA,
NAYA BASTI TOLA, WARD NO.10, P.S.- JOGAPATTI, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. TAJBUN NESHA @ TAJBUN KHATOON WIFE OF AFSAR ALI @
AFSER ALI , D/O MUNIB MIYAN R/O JAGIRAHA, NAYA BASTI
TOLA, WARD NO.10, P.S.- JOGAPATTI, DISTRICT- WEST CHAM-
PARAN. AT PRESENT R/O VILLAGE- BARWA OJHA, P.S.-
SANICHARI O.P., DISTRICT- WEST CHAMPARAN

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey
For the Opposite Party/s	:	Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 17-10-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Bettiah Jogapatti P.S. Case No. 198 / 2023 dated 17.05.2023
registered under Sections 323, 504, 498A, 494, 307 of the I.P.C.
and Section 3 / 4 of the Dowry Prohibition Act.

3. As per the first information report lodged by the wife of
the petitioner the marriage was solemnized between them in the
year 2020 according to the Muslim customs. After some time of
marriage, the petitioner and other accused persons started
demanding Rs. 5 Lakh as dowry and due to non fulfillment of
the demand, the accused persons started assaulting and the



petitioner and poured kerosene oil upon her and tried to set her ablaze with an intention to kill her.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of a concocted story. The entire family members have been made accused in this case but they have been granted anticipatory bail by the impugned order itself. Since the petitioner happens to be the husband of the informant, his bail application was rejected by the learned Sessions Judge, West Champaran, Bettiah. He further submits that this Court while granting stay of arrest of the petitioner had issued notice to opposite party no. 2, but despite service of notice, she chose not to appear before the court. No injury has been caused to the victim lady.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that petitioner is the husband and despite service of notice the wife failed to appear, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of



the like amount each to the satisfaction of S.D.J.M., Bettiah,
West Champaran in connection with Jogapatti P.S. Case No. 198
of 2023 subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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