

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83340 of 2024

Arising Out of PS. Case No.-29 Year-2017 Thana- MAHILA PS District- Darbhanga

Md. Zeyaul Haque @ Md. Lal Babu Son of Late Shamsul Haque Resident of
Mohalla - Karamganj, P.S. - Laherasarai, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-12-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Mahila P.S. Case no.29 of 2017 registered for the offence punishable under sections 379, 498A, 323, 354, 506, 504 and 34 of the Indian Penal Code and section 3 and 4 of the Dowry Prohibition Act.

3. As per allegation in the F.I.R, the informant states that she was married to the petitioner herein in the year 2014 as per Muslim Rites and Customs. At the time of marriage Rs.80 thousand had been given besides other articles including cash to the tune of Rs.1.5 lakhs and jewelry worth Rs.2 lakhs. It is further stated that soon after the marriage accused persons including the petitioner herein started to torture the informant.



She was abused and assaulted for nonfulfilment of further dowry by way of land. The informant further states that on her husband abandoning and having left for Saudi on 2.6.2016 she was assaulted by the other accused persons and thrown out of the house.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The informant never wanted to reside with the petitioner and as such on 9.8.2017 *Khula* was awarded to the informant by mutual consent. At the same time the informant received all the articles given by her at the time of marriage. The petitioner has always been ready to reside with the informant and he has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the petitioner being the husband of the informant together with the FIR having been registered in April, 2017 and the petitioner remained at large for more than 7 years, the Court is no inclined to enlarge the petitioner on anticipatory bail and the application is rejected.



7. The petitioner shall surrender in the learned Court below within four weeks from today and taking into consideration that the petitioner had been granted benefit under section 41(1) of the Cr.P.C., in case, the petitioner so surrenders within the aforesaid period, his application for bail shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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