

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4308 of 2024

Arising Out of PS. Case No.-360 Year-2022 Thana- KHIJARSARAI District- Gaya

Diljan Khan s/o Hasin Khan , R/O Village- Saidih, P.S.- Mahkar
(Khizersarai) , District- Gaya,Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nazia Praveen D/O- Safiq Ahmed , R/o village- Mandai, p.s.- Khizersarai,
District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 10-05-2024 Heard learned Counsel for the petitioner, the State and
the Informant.

2. The petitioner is an accused in connection with Khizersarai P.S. Case No. 360 of 2022 registered for the offences under sections 341, 323, 354(b)(c)(d), 504, 506, 509, 498(A) and 34 of the Indian Penal Code and sections 67 and 67(A) of the I.T. Act, 2000 lodged on 02.10.2022 by the informant, Nazia Praveen.

3. As per the prosecution story, the lady alleged that she got married to this petitioner in the year 2019 but was tortured for dowry. The further allegation is that on the point of knife, she was made to strip, video created and later it was made viral. The last allegation is that when she was pregnant, purposely assault was made in the stomach, causing abortion. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the



entire story has been created to implicate him, the video which became viral is also the creation of the lady herself, no such abortion took place and lastly, he wants to keep her.

5. Learned Counsel for the informant, on the other hand, submits that not only the lady was brutally assaulted, she was also forced to abort by assaulting on her stomach. He further submits that contrary to the submission made by the learned Counsel for the petitioner that it was the lady who made the video viral, a bare perusal of the paragraph-3 would show that earlier also the petitioner found himself implicated in Khizesarai P.S. Case No. 248 of 2020 under Section 66D of the I.T. Act, 2000 in fact he is habitual offender. So far as the I.T. Act, 2000 is/are concerned, he further submits that solely on the ground that he will keep his wife with full dignity and honour, this Court allowed provisional bail for three months which was never used by him inasmuch as he failed to approach the lady at any point of time, it shows that a false submission was made on his behalf that he wants to keep his wife with full dignity and honour.

6. Learned APP also echoes the submission put forward by the learned Counsel for the informant and submits that beside section 498A of the Indian Penal Code, he is an accused under different sections of the I.T. Act, 2000 and in that background, it is not the only case of he being the husband, he has also made the video of the lady viral and further has criminal antecedent.



7. Taking into account all the aforesaid facts as also the allegation that is against the petitioner, a chance was given to him which he failed to avail, the allegation is/are heinous, for the present, this Court is not inclined to further extend his provisional bail which is accordingly rejected.

8. The petitioner to surrender by 24th of May, 2024 and the concerned Court shall ensure that a certificate comes to this Court in the present case after he surrenders.

9. In case, he fails to surrender by 24th of May, 2024, immediate steps shall be taken to ensure his arrest.

10. List this case under the heading “To Be Mentioned” on 5th of July, 2024 to peruse the report of the Court concerned.

(Rajiv Roy, J)

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