

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55942 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- MAHILA P.S District- West Champaran

Md. Manjur Sah @ Manjur Sah @ Md. Manjura Alam @ Manjoor Shah S/O
Wakil Dewan @ Wokil Dewan @ Wakil Sah @ Wakil Sai R/O Village-
Bhitiharwa Ashram, P.S- Gaunaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Reshma Khatoon W/O Manjur Sah, D/O Mukhtar Dewan @ Mukhtar Sah
R/O Village- Bhitharwa, P.S- Gaunaha, Dist.- West Champaran, Present
Address Bishunpurwa, Mobil Tola, P.S- Lauriya, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 14-02-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner, Mr. Umesh Kumar Gupta representing the

informant as also Mr. Jitendra Kumar learned A.P.P.

2. The petitioner is apprehending his arrest in
connection with Mahila P.S. Case No. 10 of 2024 registered for
the offence under Sections 341, 323, 498-A, 504, 506 and 34 of
the Indian Penal Code and section $\frac{3}{4}$ of the Dowry Prohibition
Act, lodged on 03.03.2024 by the informant Reshma Khatoon.

3. The allegation in the FIR that the lady was married
to this petitioner and was given the dowry. With the passing of
time, she was blessed with a female child whereafter the attitude



of the petitioner changed and she was tortured and subsequently, allegation is that he also brought a new lady claiming herself to his second-wife.

4. To her further agony, the accused persons including the petitioner stop providing food to the informant and finally she was thrown out of the house. When the parents along with locals visited the place where abused/assaulted. Left with no remedy, the FIR.

5. Earlier, this Court granted long rope to the petitioner to come to terms and in between the matter was also sent for mediation but as per the Mediator's report dated 01.10.2024, the same could not be resolved.

6. Learned counsel for the petitioner submits that only because he has consummated second marriage, the present case has been lodged. She has not been tortured for dowry and he is ready to keep her.

7. Learned counsel for the informant on the other hand opposes the prayer submitting that a bare perusal of the FIR would show that the allegation is that:

(i) she was tortured for dowry;

(ii) he married again;

(iii) she was not provided food and finally



thrown out of the home;

*(iv) when the family members along with
villagers wanted to resolve the issue, abused.*

8. Having gone through the facts of the case and the submissions put forward by the parties, certainly, the kind of allegation that has come against the petitioner, he does not deserve the anticipatory bail. There is not only allegation of torture for dowry, she was kept without food causing her physical and mental agony, ultimately thrown out of the house and in that background, it would be appropriate that he seeks bail.

9. Accordingly, the anticipatory bail application stands rejected.

(Rajiv Roy, J)

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