

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81532 of 2024

Arising Out of PS. Case No.-1018 Year-2021 Thana- COMPLAINT CASE District- Araria

Md. Shahnawaz Alam @ Bablu @ Shahnawaz Son of Late Sahabuddin
village- Thenga, Ward no. 01, Ps- Jokihat, Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nafisa Khatoon W/O Md. Shahnawaz Alam @ Bablu R/O Village- Thenga,
Ward no. 1, P.S.- Jokihat, Dist- Araria at present - R/O Village - Bagmara,
Ward no. 2, P.S. - Jokihat, Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vijay Kishore Bharti, Adv.
For the State	:	Mr. Gauri Shankar Gupta, APP
For the O.P.2	:	Mr. Gopal Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 27-02-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant/opp.
party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence punishable under Sections 323, 498A of the Indian
Penal Code and Sections 3 / 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the marriage of opposite
party no. 2 was solemnized with petitioner two years ago and at
the time of marriage, her parents gave cash of Rs. 70,000/- and
articles worth Rs. 2,00,000/-, but after the marriage, petitioner
along with his family members started committing torture to



the complainant due to non-fulfillment of additional demand of dowry and lastly, they ousted the complainant from her matrimonial home.

4. Learned counsel for the petitioner, while denying the allegations made in the complaint petition, submits that petitioner is innocent and has been falsely implicated in this case merely because he is husband of the opposite party no. 2. As a matter of fact, the complainant eloped with one Ibrahim and thereafter, solemnized marriage with him and a female child has also been born from the wedlock.

5. However, learned counsel for opposite party no. 2 vehemently opposes the prayer for bail and submits that petitioner is husband of the opposite party no. 2 and there is specific allegation against him that he alongwith other family members committed torture to opposite party no. 2 for dowry. He also denies the fact of second marriage of opposite party no. 2. He further submits that in Maintenance Case No. 208/2021, filed by complainant, the learned Principal Judge, Family Court, Araria, vide order dated 12th May, 2023, has awarded maintenance of Rs. 6,000/- (six thousand) per month to her from the date of filing of case i.e. 27.07.2021, but till date, not a single penny has been paid to her by this petitioner.



6. Considering the nature of accusation and conduct
of petitioner, his prayer for anticipatory bail is rejected.

(Prabhat Kumar Singh, J)

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