

Md. Ekramul @ Md. Ekramul Haque vs The State Of Bihar on 18 March, 2021

Author: Partha Sarthy

Bench: Partha Sarthy

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24846 of 2020
Arising Out of PS. Case No.-13 Year-2019 Thana- MAHILA P.S. District
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MD. EKRAMUL @ MD. EKRAMUL HAQUE Son of Md. Abbas Resident
of Village - Maniyari, P.S. - Maniyari, District - Muzaffarpur.
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Versus

1. The State of Bihar
2. Nazma Khatoon W/O Md. Ekramul , D/O Peer Mohammad Resident of
Village - Gopalpur, P.S. - Mushari, District - Muzaffarpur.
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Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Advocate
For the State	:	Dr. Mrityunjaya Kumar Gautam, A.P.P.
For O.P. no. 2	:	Ms. Jyotsna Rani Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-03-2021

Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Mahila P.S. Case no. 13/2019 registered for the offence under sections 498A, 316, 323, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the first information report, it is stated by the informant that the accused persons including the petitioner herein who happens to be her husband tortured her for non-fulfillment of demand of dowry to the tune of Rs. five lacs. She was beaten up and threatened that in case of non-payment of the amount she would not be permitted to stay in her sasural Patna High Court CR. MISC. No.24846 of 2020(3) dt.18-03-2021 and would also be killed.

It is submitted by learned counsel for the petitioner that he happens to be the husband of the informant. The allegations as levelled in the first information report are false and incorrect which would be evident from the fact that on earlier occasion the informant had filed an application making allegation against the petitioner under the Domestic Violence Act, final order dated

31.1.2019 of which passed in Case No. 2638 of 2017 by the learned ACJM VI, Muzaffarpur has been brought on record as Annexure 2 to the petition. Learned counsel for the petitioner in reference to the said order submits that the learned Court below after a detailed order found that the applicant/informant herein had failed to show that any domestic violence was caused to her. The petitioner further relies upon an agreement entered into between him and his father-in-law. He has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2. It is submitted by learned counsel for opposite party no. 2 that the learned Court below while hearing the application under Domestic Violence Act did not consider the submissions made and the evidence led on behalf Patna High Court CR. MISC. No.24846 of 2020(3) dt.18-03-2021 of the informant in the right perspective. It is further submitted that so far as her father is concerned, he is an illiterate person and has been duped into an agreement. Further even the fact whether he signed on the agreement or not needs to be verified. It is submitted that the petitioner is husband and his anticipatory bail be rejected.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the contents of the order of the learned Court below in a case under Domestic Violence Act, the Court is inclined to enlarge the petitioner on anticipatory bail.

The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Mahila P.S. Case no. 13/2019 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, West Muzaffarpur subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J) Spd/-

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