

Court of the Sessions Judge, Araria  
A.B.P. no 760/19  
Md. Zubair Vs State

03.05.2019

This anticipatory bail petition filed on behalf of the accused petitioner 1. Md. Zubair under the provision of section 438 Cr.P.C. who apprehends his arrest in connection with Complaint case no. 1942-C/14 u/s 498A I.P.C. pressed by his learned counsel Sri Md.Sadre Alam ,Advocate.

Heard both sides and perused the case record.

As per Complaint case no. 1942-C/14, the complainant Bibi Husna Ara was married with this accused Md. Zubair 8 years ago from lodging this complaint. After marriage, the complainant went to her Sasural and started living with her husband but this accused alongwith his family members was regularly assaulting and torturing the complainant for want of dowry in shape of a motorcycle and a milking buffalo and ousted her from the residential house in her pregnant stage alongwith her son for which a panchayati was convened and at the intervention of punches the accused brought the complainant at his house but again the he started subjecting her to cruelty and for demand of dowry in shape of cash of Rs. Two lacs, a motorcycle and a buffalo they brutally assaulted the complainant and after snatching her ornaments and valuables ousted her from the residential house alongwith her three children. The accused persons were not ready to keep the complainant without fulfilment of aforesaid dowry.

The learned counsel for the accused petitioner while pressing the anticipatory bail submitted that this accused petitioner is innocent who never made any demand nor did he torture or harass the complainant in any way. The entire allegations are false and fabricated and he has been falsely implicated in this case, hence this accused deserves to be released on anticipatory bail. f

On the other hand the learned P.P. as well as learned counsel appearing on behalf of complainant opposed the prayer for anticipatory bail. The complainant is present in the court who has stated before the court that this accused is regularly abusing and assaulting her for want of dowry and now he got his second marriage with another lady and is not ready to keep her with him.

From perusal of record, it appears that after inquiry the learned court below found a prima facie case against the accused petitioner and others. The complainant in her statement recorded on S.A. and the witnesses examined during course of inquiry have supported the allegation of demand and torture. This accused being the husband of complainant has sole responsibility and also the legal obligation to maintain and take proper care of the complainant and her children. So, in view of the allegations made by the complainant against the accused, I do not think it proper to enlarge this accused on anticipatory bail and accordingly, his anticipatory bail petition stands rejected.

(Dictated)  
Sd/-

Sessions Judge I/C