

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9479 of 2015

Arising Out of PS.Case No. -14 Year- 2014 Thana -MAHILA P.S. District- ARRARIA

=====

Md. Sawood son of Jainuddin, Resident of village - Majhuwa, P.S. Joki Hat,
District - Araria

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Bazhun Nohar, D/O- Abdul Wadood, W/O- Md. Sawood, R/O
Village – Majhua, P.O. Dubba, P.S. – Jokihat, District – Araria.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate.

For the Opposite Parties : Mr. Sanjay Kumar Tiwary(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498A, 313 and 34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the informant is not legally wedded wife of the petitioner. The informant was married to one Naushad in the year 2010 and after two years she herself divorced her husband. It is further submitted that even during the course of investigation none of the witnesses has stated about the marriage of the petitioner with the informant. The informant herself stated in her further statement that marriage

could not be solemnized as her uncle was kidnapped. It is further submitted that an affidavit of the petitioner is part of the FIR which shows that the petitioner was married with the informant four months ago from the date of swearing affidavit, but the petitioner denied the genuineness of his signature on the affidavit and photographs has fraudulently been affixed.

On the other hand learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail and submitted that the informant deserted her husband. The petitioner solemnized marriage and started living with the informant. She became pregnant. The petitioner was duly married with the informant and an affidavit to this effect has also been sworn by both the sides.

Having considered the facts that the affidavit itself shows that the petitioner solemnized marriage with the informant and the informant made allegation of demand of dowry and torture, I do not feel inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--