

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39980 of 2014

Arising Out of PS.Case No. -181 Year- 2013 Thana -KATRA District- MUZAFFARPUR

1. Md. Mumtaz S/o Md. Khalik R/o Village-Darhaul, P.S.-Katra, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Musarrat Parveen D/o Md. Shakir R/o Village-Dedhaul, P.S.-Katra, District-Muzaffarpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. S.Dayal(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 25-03-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Katra P.S. Case No. 181 of 2013 registered for the offences punishable under Sections 494, 496, 323, 307, 379, 504/34 of the Indian Penal Code.

This case arises out of Complaint Case No. 2037 of 2013 dated 23.08.2013 in which the complainant made a

categorical assertion that she was taken away by the petitioner and on the assurance of marriage, he took her to Delhi. After five years, when petitioner brought her to his home, she came to know that he was a married person. The complainant further stated that the complainant, due to the said relationship with him, gave birth of a female child.

Learned counsel for the petitioner submits that the complainant had gone with her own volition and that there had been no allegation of any overt act. In fact, they had together for almost five years and, thereafter when they came in the village, the complainant herself deserted the petitioner and went to live in her Maikay.

It is further submitted that admittedly, the petitioner is a Muslim and is entitled to keep more than one wife. As such, no case is made out against him under Section 494 of the Indian Penal Code.

Considering the aforementioned submissions and the nature of allegation, let the petitioner, in the event of his arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the

satisfaction of the Chief Judicial Magistrate, Muzuffarpur in connection with Katra P.S. Case No. 181 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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