

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18442 of 2015**

Arising Out of PS.Case No. -17 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-  
KATIHAR

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Shekh Mumtaj Son of Late Matibulla, Resident of Village- Damodarpur,  
P.S. Azamnagar, District- Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bibi Lesun Khatoon , wife of Sk. Mumtaj, Resident of Village-  
Damodarpur, P.S. Azamnagar, District- Katihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Musowir  
For the Opposite Party/s : Mr. Upendra Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
ORAL ORDER

3      06-07-2015                      This application was heard on 02.07.2015 and order  
  
was dictated in Court but before signing of the order, it was  
  
detected that the prayer of the petitioner for anticipatory bail has  
  
already been rejected vide Cr. Misc. No. 26595 of 2014 on  
  
14.11.2014 by a Bench of this Court. Therefore, the present  
  
application has been brought today under the heading “To Be  
  
Mentioned” at the instance of the Court.

The petitioner apprehends his arrest in connection  
  
with C.A. Case No. 17 of 2013 registered under Section 498A/34  
  
of the I.P.C. pending in the Court of S.D.J.M., Katihar, District –  
  
Katihar.

The accusation against the petitioner is to perform remarriage and torturing his wife-complainant, O.P. No.2 and asked to her to bring cash Rs. 50,000/- from her Maika.

Learned counsel appearing on behalf of the petitioner submits that petitioner, who is husband of complainant-O.P. No.2, is ready to keep his wife, opposite party no.2 with full dignity. It is further submitted that petitioner has performed remarriage with the consent of the complainant-opposite party no.2 prior to 20 years.

The prayer of anticipatory bail of the petitioner, who is the husband of complainant-opposite party no.2, has already been rejected by a Bench of this Court vide Cr. Misc. No. 26595 of 2014 on 14.11.2014. As such, I am not inclined to allow the prayer of anticipatory bail of the petitioner. Accordingly, this application is rejected.

However, the petitioner is directed to surrender before the Court below within a period of six weeks and pray for regular bail, which shall be considered by the Court below on its own merit without being prejudiced by this order.

**(Rajendra Kumar Mishra, J.)**

Shail/-

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