

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3495 of 2015

Arising Out of PS.Case No. -1778 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Tajamul @ Md. Tajamul Haque son of Suleman Resident of Village
- Tingharia, Nakkipur, P.S. - Korha, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Firoja Khatoon wife of Md. Tajamul Haque, D/o - Akmal Hussain
resident of Village - Tinpaniya, PS - Korha, District - Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. M.Haque(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 19-05-2015 Heard learned counsel for the petitioner, learned counsel

representing the State and learned counsel representing the opposite

party no. 2.

Petitioner apprehends his arrest in connection with

Complaint Case No. 1778 of 2013 in which cognizance has been taken

under Sections 498A/34 of the Indian Penal Code and Section 4 of

Dowry Prohibition Act.

The complainant was married with the petitioner 8 years

ago, thereafter, the petitioner started demanding Rs. 80,000/, one

motorcycle and she buffalo and due to non-fulfillment tortured the

complainant. Earlier also case was filed but was compromised and

thereafter, again the petitioner started same behaviour.

Submission is of false implication and that the petitioner

is still ready to keep his wife with full dignity and comfort but the complainant is not ready to live with the petitioner to which the learned APP duly assisted by the learned counsel representing the complainant opposes by submitting that the petitioner has solemnized marriage again with Gulshana Khatoon in month of January, 2014 and she has given birth to a female child who is now aged about two months and, as such, the petitioner does not deserve pre-arrest bail.

In the facts and circumstances stated above and considering that the petitioner is the husband and after filing of the complaint case, allegedly, he has solemnized again marriage with Gulshana Khatoon, as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then his prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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