

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51222 of 2015

Enamul Haque

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh

For the Opposite Party/s : Mr. Manoj Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfilment of the dowry demand.

It is submitted by learned counsel for the petitioner that the complainant has parted ways with petitioner on receiving permanent alimony of ₹2,25,000/- and the complainant has performed second marriage with one Md. Naseem. Statements to that effect has been made in para 14 and 15 of the petition which reads as follows:-

“14. That in this case the complainant desires to break her matrimonial tie with the petitioner for which after decision of “Panch” she received

permanent alimony and settled the matrimonial dispute and in this regard the complainant received Rs.2,25,000/- on 14.12.2014.

15. That the complainant has already been solemnized second marriage with another person namely Md. Naseem of Buxar District.”

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar in connection with Complaint Case No. 747C of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on appearance if she admits that she has performed second marriage and/or receiving payment of permanent alimony then the provisional of the petitioner will be confirmed by learned court below but if the complainant denies of factum of second marriage or payment of permanent alimony then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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