

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13406 of 2015

Complaint Case No. -2565 Year- 2013 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

Md. Yunus Son of Late Md. Anwar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samida Khatoon Daughter of Md. Khalil Resident of Village- Sripur, Ps-
Cheriya, Bariyarpur, District- Begusarai.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 11-01-2016 The matter has been listed under the heading "For
Orders (On Office Notes) due to non-appearance of opposite party
no2, though, notices were issued to opposite party no.2 on
04.05.2015 and, thereafter, fresh notices on 08.10.2015. The office
note dated 08.01.2016, reflects that under both process notice has
been issued to opposite party no.2 but could not be served due to
non-residing of opposite party no.2 on the present address given in
the complaint petition. Let the notices issued to opposite party
no.2 be deemed to be validly served. Accordingly, the matter is

being taken up on merits.

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, 323, 379, 341 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the complainant has performed second marriage. A statement to that effect has been made in paragraph 8 of the petitioner, which reads as :-

"8. That it is also pertinent to mention here that the complaint has already solemnized the second marriage with one Md. Sazzad."

Considering the facts that in spite of notices being issued twice, opposite party no.2 is not appearing and the contention of learned counsel for the petitioner that she has performed second marriage, which is not being controverted, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within

a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Begusarai in connection with Complaint Case No.2565C/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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