

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11185 of 2016**

Arising Out of PS.Case No. -28 Year- 2015 Thana -SANOKHAR District- BHAGALPUR

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Md. Alamgir Son of Md. Khalil, resident of village- Kushapur, P.S.-  
Sanokhar, District- Bhagalpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Hasina Khatoon, D/o Md. Sultan Ansari, Resident of village –  
Kushapur, P.S. Sanokhar, District – Bhagalpur.

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

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**Appearance :**

For the Petitioner/s : Mr. Md. Nurul Hoda

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

07/ 19-09-2016

Heard learned counsels for the petitioner  
and the State.

The petitioner being the husband of the  
informant is apprehending his arrest in a case registered for the  
offences punishable under Sections 376, 498A/34 of the Indian  
Penal Code and 3/4 of Dowry Prohibition Act.

The prosecution case is that the informant  
Bibi Hasina Khatoon was initially married with Md. Ataullah  
and thereafter the petitioner established physical relationship  
with the informant on assurance to marry her. Thereafter, the  
petitioner prepared an affidavit claiming marriage with the  
informant, but subsequently torture was inflicted. Now the

petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and performing of second marriage also but he has also claimed that the informant is now started residing with her first husband Md. Ataullah.

It is submitted by learned counsel for the informant that the informant was pressurized to marry with the petitioner and she is still ready to resume the conjugal life. During investigation also the police found the accusation true.

Considering the nature of accusation and the issue not being likely to be reconciled at present, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Sanokhar P.S. Case No. 28 of 2015 pending in the court of learned Chief Judicial Magistrate, Bhagalpur.

Accordingly, this application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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