

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18042 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -ARA NAGAR District- BHOJPUR

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Hamid Ansari, Son of Rahmatulla Ansari, Resident of Village- Degodihri,
P.S. Charpokhari, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sajada Begam Daughter of late Umar Ali, Resident of Mohalla – Rauza,
P.S. Arrah, District – Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Akbar Ali (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 02-08-2016

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 498A, 406 of the Indian Penal
Code and 3/4 of Dowry Prohibition Act.

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

Notices were issued to the informant-opposite
party no. 2 vide order dated 26.04.2016. This Court vide order
dated 27.06.2016 treated the notice issue to the informant-opposite
party no. 2 as deemed valid service in view of the fact that the

ordinary process of notice was refused to received by opposite party no. 2 and in the circumstances the house service was made. Today also none is appearing on behalf of opposite party no. 2.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but the petitioner had given Talak to the informant as per the Muslim rites and filed Matrimonial Suit No. 409 of 2014 on 02.12.2014 for confirmation of Talak much prior to the lodging of the present FIR.

Considering the filing of the matrimonial suit at earlier point of time and the reluctance of the informant to appear, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 105 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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