

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39275 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -RIGA District- SITAMARHI

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1. Irfan Alam S/o Safi Mohammad. R/o village- Posua Patania, P.S.- Riga,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anguri Khatun W/o Irfan Alam at present D/o Sheikh Ainul. R/o
village- Piparnath, P.S.- Malangwa, District- Sarlahi (Nepal).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-01-2016

The office note dated 22.01.2016 reflects that neither service report of ordinary process of notice nor registered cover notices have been received, though notices were issued to O.P. No. 2 on 21.08.2015. Hence, the notices issued to O.P. No. 2 treated to be a deemed service.

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 534 of the Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but has divorced the informant as per muslim rite. A statement to that effect has been made in para 9 of the petition

which reads as follows:-

“That in fact, the informant is quarrelsome lady and never made respect to her in-laws as well as husband as a result of which the petitioner has divorced her on 23.08.2014 in presence of Mukhiya and other respected member of village. The Mukhiya of the Panchayat Posua Patania has issued a certificate with regard to divorce.”

It is further submitted that Matrimonial Suit No. 63 of 2015 has been filed for conformation of the said divorce. Moreover the informant has performed second marriage.

Considering the nature of accusation and the fact that matrimonial suit is pending between the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 21 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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