

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42718 of 2015

Arising Out of PS.Case No. -203 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Md. Nasir Son of Md. Anzar resident of Village - Khairul Tola Bhalura, P.S. - Aurai, District - Muzaffarpur.
 2. Md. Sanaullah Son of Late Md. Moosa resident of Village - Baya, P.S. - Bela, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mehnaz Khatoon D/o Md. Zubair residing at Village - Baya, Ward No. 10, P.S. - Bela, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-02-2016 The petitioners are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379, 498A, 506, 34 of the Indian Penal Code.

The basic accusation is of torture. The complainant claims to have married with petitioner No. 1 when petitioner No. 2 being teacher in Madarsa demanded certain fee for performing Nikah between the parties.

The notices were issued to complainant/O.P. No. 2 vide order dated 09.09.2015. The office note dated 03.02.2016 reflects that notices have been served on O.P. No. 2 but none is appearing on behalf of complainant/O.P. No. 2.

It is submitted by learned counsel for the petitioners that petitioner No. 1 denies the factum of marriage and the stand of petitioner No. 2 is that he never got the Nikah performed between the petitioner No. 1 and the complainant.

Considering the fact that factum of Nikah is itself in dispute, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. 203 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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