

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34776 of 2016

Arising Out of. - COMPLAINT CASE No. 2144 Year- 2015 Thana -PURNIA District- PURNIA

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Md. Warish son of Md. Nasimuddin resident of Village- Dimiya, P.S.-
Jalalgarh, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mahjabi Khatoon D/o Md. Moeedur Rahman @ Mahid resident of
Village- Dimiya, P.S.- Jalalgarh, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case registered for the offences punishable under Sections 498A, 307, 323 and 504/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner disputes the factum of marriage whereas learned counsel for the complainant has produced the bail application of the petitioner filed before the learned court below, let it be kept on record, wherein it has been mentioned that marriage was performed under pressure and he is ready to keep the complainant with full dignity and honour. Statements to that effect have been

made in para (c) and (e) of bail petition filed before the learned court below which read as follows:-

“(c) For that from the perusal of the complaint petition it shows that at the time of marriage the complainant was pregnant and the marriage was performed under pressure and as such it is clear that no marriage was performed under Muslim law and it is clear that the complainant is not a legal wife of the accused petitioner Md. War.

(e) For that the petitioner is ready to keep the complainant with due dignity and honour.”

In view of the inconsistent view of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with CA Case No. 2144 of 2015 pending in the court of learned SDJM, Purnea.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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