

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28947 of 2016

Arising Out of PS.Case No. -923 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Md. Amzad Najir, son of Md. Anul Haque

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra, Advocate

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but claims to have given divorce to the complainant on 28.09.2015. A



Talaknama was also prepared which is duly signed by the petitioner, complainant and family members of both the sides. Subsequently, as per mutual consent Dein Mehar amount was also given through cheque, which has been received by the complainant. However, learned counsel for the complainant disputes the factum of divorce.

Considering the factum of divorce in dispute, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur, in connection with Complaint Case No.923/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner shall be confirmed by the learned court below on verification of the factum of divorce claims to have been given by the petitioner. If the learned Court below after examining the records comes to conclusion that the petitioner has given divorce to the

complainant then the provisional anticipatory bail of the petitioner shall be confirmed otherwise the petitioner shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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