

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37330 of 2016

Arising Out of PS.Case No. -2818 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Arshad S/o Late Kalim @ Kalam resident of Village-Turkaili, P.S.-
Jokihat, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Shabnam D/o Md. Shafique resident of Village-Palasi, P.S. Palasi,
District- Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a protest-cum-complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner denies his marriage with the complainant. Initially, police case was lodged and on conclusion of investigation, it was found that the petitioner was never married with the complainant. Subsequently, the final report was accepted but the matter proceeded on protest cum complaint when process

has been directed to be issued. It is further submitted that at earlier point of time the complainant filed Complaint Case No. 3832 of 2012 with accusation under section 498A IPC but the same stood dismissed due to non-prosecution vide order dated 23.7.2013 passed by the learned SDJM, Araria. The same has been brought on record as Annexure 4/1. The complainant has also filed K. Hat P.S. Case No. 372 of 2015 against Md. Mojkir which suggests that the complainant is in habit of lodging frivolous cases.

Considering the fact that during investigation, the police has not found that the petitioner ever married with the complainant, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Araria in connection with Complaint Case No. 2818 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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