

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9184 of 2016

Arising Out of PS.Case No. -1264 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

1. Kaushar Jama Khan @ Kausar Jaman Khan S/o Marhum Sagir Khan
resident of Village- Chainpur Kasba, P.O. & P.S.- Chainpur, District-
Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sahina Perween D/o Mainuddin Khan, resident of Village- Kunj, P.O.-
Darauli, P.S.- Bhabua, District- Kaimur (Bhabua).

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay
For the Opposite Party/s : Mr. Ajit Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2016 Heard learned counsels for the petitioner,
complainant and the State.

The petitioner is apprehending his arrest in a
complaint case wherein processes were directed to be issued
after cognizance being taken for the offences punishable under
Sections 498A, 341, 323, 504 of the Indian Penal Code.

The prosecution case is that the complainant
claims to have performed Nikah with the petitioner on
20.05.2014 but the petitioner concealed about his first
marriage. Subsequently the petitioner started abusing and
assaulting the complainant. The first wife of the petitioner used
to abuse the complainant through telephone.

It is submitted by learned counsel for the

petitioner that petitioner denies the factum of marriage whereas counsel for the complainant submits that Nikah was performed in the presence of Maulvi and other witnesses.

Considering the fact that factum of marriage is in dispute, 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 provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 1264 of 2015.

Let learned Court below conduct an enquiry with regard to the factum of marriage of the petitioner with the complainant and if learned Court below comes to the conclusion that petitioner has not performed Nikah with the complainant then provisional bail of the petitioner will be confirmed by learned Court below. However, if the learned Court below comes to the conclusion otherwise, then petitioner will surrender and pray for regular bail.

Shageer/-

(Dinesh Kumar Singh, J)

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