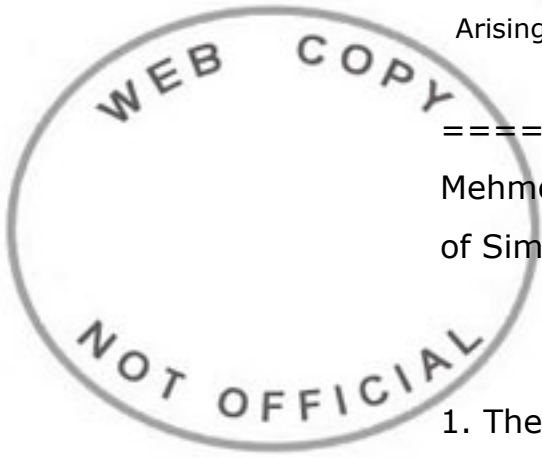




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21338 of 2015

Arising Out of PS.Case No. -1028 Year- 2012 Thana -COMPLAINT CASE
District- KISANGANJ

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Mehmood Khan @ Mahmood Khan S/o - Arif Khan, resident
of Simalbari, P.S. & District - Kishanganj.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Sauli Sarkar @ Sibli, W/o – Mehmood Khan, D/o – Bidhu Sarkar, resident of Kola Bagan Nutun Palli, P.S. - Kotwali, District - Kuchbihar (West Bengal). At present - Ruidhasa, P.S. & District - Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Singh (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 02-02-2016 Heard learned counsel, appearing on behalf of the petitioner, and learned Additional Public Prosecutor, appearing on behalf of the State.

 This application for grant of anticipatory bail arises out of Complaint Case No.1028C of 2012, disclosing offences under Section 498(A) of the Indian Penal Code.

By an order, dated 19.08.2015, while issuing notices to opposite party No.2, it was directed that notice through ordinary process be served through learned counsel representing the complainant in the court below. It appears that learned counsel refused to accept the notice.

Learned counsel, appearing on behalf of the petitioner, submits that the present case has been instituted maliciously because of matrimonial dispute between the petitioner and opposite party No.2. He further submits that the marriage between the petitioner and opposite party No.2 was not an arranged marriage, rather it was a love marriage and, therefore, there could not be any question of demand of dowry, as consideration for marriage.

Considering the facts and circumstances and the nature of dispute between the parties, this application is allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Kishanganj**, in connection with **Complaint Case No.1028C of 2012**,

subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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