

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46019 of 2014

Arising Out of PS.Case No. -231 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Md. Naushad Khan son of Md. Idris Khan Resident of village - Ratanpura,
P.O. Narhi, P.S. Kishanpur, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rabia Basri Daughter of Late Md. Rabban Ali Resident of village -
Nariyar, P.O. AND District - Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

08/ 18-02-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A and 494 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

Notices were issued to opposite party no. 2 vide order dated 05.02.2015 but in spite of valid service of notice none appeared on behalf of opposite party no. 2 on 19.05.2015,

17.07.2015, 27.07.2015 and 31.08.2015.

It is submitted by learned counsel for the petitioner that the petitioner filed Matrimonial Suit No. 146 of 2012 prior to the filing of the present case. The petitioner has not performed second marriage, though, the statement has not been made in the petitioner. However, it is submitted by learned counsel for the petitioner on instruction that the complainant has performed second marriage.

Considering the fact that the complainant chose not to appear in spite of adjourning the matter for a year and filing of the matrimonial suit at earlier point of time, let the above named petitioner be released on anticipatory bail in the event of his 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 Sub-divisional Judicial Magistrate, Saharsa in connection with Complaint Case No. 231C of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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