

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2997 of 2016

Arising Out of PS.Case No. -2233 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Abdul Manan @ Manan Ahmed

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016

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.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the complainant lodged Gopalganj P.S. Case No. 317 of 2011 on 14.10.2011 with similar accusation whereas the present complaint was filed on 26.09.2011. In the police case the petitioner is on bail, statement to that effect has been made in para 3 of the petition, which reads as follows:-

“That, the petitioner has been made accused in Gopalganj P.S. Case NO. 317 of 2011 which has been lodged by the complainant herself u/s 341, 323, 406 and 498A IPC for same cause of action in which the petitioner is enjoying the privilege of

bail.”

Considering the fact that two prosecution modes were adopted levelling the same accusation and in one of them, the petitioner is on bail, 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 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 S.D.J.M., Gopalganj in connection with Complaint Case No. 2233 of 2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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