

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49184 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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Md. Shamim @ Samim son of Md. Nasir, Resident of Village- Saifganj
Ward No.4, Police Station- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tarannum Khatoon daughter of late Md. Yusuf, Resident of Village-
Sahebganj Ward No.4, Police Station- Forbesganj, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-12-2016 Heard both sides.

The petitioner apprehends his arrest in Mahila P.S. Case
No. 72/2016, registered for the offences punishable under Section
498(A) and other sections of the Indian Penal Code.

The informant alleged that she was firstly, married to
Md. Gaffar in the year 2000, but without the consent of anybody
she solemnized second marriage with Md. Shamim (petitioner) in
the year 2015. She alleged that earlier Md. Shamim kidnapped her
after administering intoxicant and solemnized second marriage. It
is further alleged that petitioner assaulted her and drove her out
from the house.

Learned counsel for the petitioner submits that petitioner



happens to be brother-in-law (Bahnoi) of the informant. The informant was married to Md. Gaffar in the year 2000 itself. She was not divorced. The informant is not legally wedded wife of the petitioner; therefore, no offence under Section 498A of the Indian Penal Code is made out.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Mahila P.S. Case No. 72/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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