

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12979 of 2017

Arising Out of PS.Case No. -274 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Md. Nasim, son of Md. Salim, resident of village Anjum Nagar, karjauliya,
Sahebganj, P.S. Jurwabari, Distt. Sahebganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rukhshar @ Afrozi, wife of Md. Nasim @ Md. Salim, resident of
Anjum nagar, Kalotiya, P.S. Jurwabari, Distt. Sahebganj, present
resident of village Lakhanpur, P.S. Tarapur, Distt. Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Imtiyaz Hussain, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 274C of 2014 instituted for the offence under Section
498(A) of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
the marriage as per complaint petition is said to have been
performed on affidavit, whereas in the Muslim law, *Nikahnama* is
required to be prepared. It has further been submitted that
petitioner is already married and the opposite party No. 2 is falsely
implicating him in this case.

Notice has been issued to the opposite party No. 2
which has been validly served on the opposite party No. 2 but



neither the opposite party No. 2 has appeared personally nor any *Vakalatnama* has been filed on her behalf.

From the complaint petition it appears that omnibus and vague allegation has been levelled against the petitioner that he sworn an affidavit of marrying with the complainant and after performing marriage on 12.9.2013, started committing mental and physical torture with the complainant for demand of Rs.1,00,000/-

In such circumstances, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 274C of 2014, he shall be released on anticipatory bail 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, Munger, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to
move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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