

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4301 of 2017

Arising Out of PS.Case No. -156 Year- 2016 Thana -BASANTPUR District- SIWAN

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1. Saheb Raja Khan, Son of Naushad Khan, Resident of Village-Shekhpora,
P.S.-Basantpura, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabina Khatoon Daughter of Late Akbar Khan, Resident of Village-
Shekhpora, P.S.-Basantpura, District-Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Ajay Kumar Jain

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-04-2017 The petitioner is apprehending his arrest in connection

with Basantpur P.S. Case No. 156 of 2016, registered for offences

punishable under Sections 498A/34 Indian Penal Code.

It has been submitted on behalf of the petitioner that

factum of marriage itself is in dispute and, therefore, no case under

Section 498A is made out as nothing has been mentioned as to

when the marriage was solemnized between the parties and also

nothing has been mentioned as to when the informant-opposite

party no. 2 gave birth to her two children. Petitioner has been

implicated in this case with ulterior motive.

Heard learned A.P.P. and learned counsel for the

informant. Learned counsel for the informant-opposite party no. 2



has submitted that she is still ready to live with the petitioner and as a matter of fact both petitioner and opposite party no. 2 went to delhi, where they got married and after eight months of marriage, petitioner came back to his house and when he was not coming back to delhi, opposite party no. 2 also went back to her house and, thereafter, the petitioner started demanding two lakhs as dowry.

Having heard both sides, in view the allegations, I am not inclined to grant the petitioner, the privilege of anticipatory bail, it is accordingly rejected.

Let petitioner surrender before the court below and pray for regular bail, which shall be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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