

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38608 of 2017

Arising Out of PS.Case No. -3162 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Abdul Rahman @ Abdul Arman @ Arman Hussain Sah, S/o Ramjan Sah @ Ramjan Diwan, resident of village- Sariswa Bazar, Diwan Tola P.S. Majhauilya District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shabnam Khatoon, W/o Abdul Rahman @ Abdul Arman @ Arman Hussain Sah, R/o Sariswa Bazar Dewan Tola P.S. Majhauilya District East Champaran, currently R/o D/o Manzar Diwan Batraulia P.S. Paharpur, District East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party No.1: Mr. Gauri Shankar Gupta, APP
For the Opposite Party No.2: Mr. Umesh Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 07-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case No.C-3162 of 2016** instituted for the offence under Section(s) 498-A Indian Penal Code and Section 34 of the Dowry Prohibition Act pending in the Court of the Sub-Divisional Judicial Magistrate, Sadar, East Chamapran, Motihari.

Counsel for the petitioner has submitted that after filing of the Complaint Petition petitioner has filed Divorce case against the Complainant.

Counsel for the Opposite Party No.2-wife has submitted that it is mentioned in para 10 of the Complaint



Petition that petitioner got her signature forcibly on a plain paper and the same has been used, which is annexed as Annexure-2. Marriage has taken place just 1½ years back and without any substantive reason petitioner is refusing to keep his wife.

Counsel for the petitioner has submitted that, now, petitioner cannot keep Opposite Party No.2 as his wife since he has already divorced her.

In para 10 of the bail petition, it has been stated that petitioner has divorced her wife, but in para 11 of the bail petition, it has been stated that Divorce case has been filed by him, which is still pending.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is rejected.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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