

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53561 of 2017

Arising Out of PS.Case No. -159 Year- 2016 Thana -AKBARPUR District- NAWADA

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1. Neyaz Khan @ S. P. @ Md. Neyaj Khan @ Md. Neyaz Khan, son of
Yakub Khan @ Mister Khan, resident of village-Lohanipur, P.S.
Akbarpur, District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarfarz Alam, son of Mahfooz Alam, resident of village-Lohanipur,
P.O.-Makhar, P.S.-Akbarpur, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

Mr. Md. Anjum Akhter, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 19-01-2018

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 **Akbarpur P.S.**

Case No.159 of 2016 instituted for the offence under Section(s)
465, 467, 468, 471, 386, 120-B, 504, 354 (D) (ii) Indian Penal
Code pending in the Court of the **Additional Chief Judicial**
Magistrate, Nawada.

It is alleged in the written report that the informant
has fixed marriage of his daughter, Nusrat Praveen, with one Md.
Hassan Khan @ Hira, and the date for engagement was also
fixed. On 12.04.2016, engagement was also done and the date of
marriage was fixed on 27.09.2016. The petitioner after getting



knowledge about fixing of marriage of daughter of the informant, sent message and obscene photograph on Whatsapp of the boy and his family member including the uncle of the boy. On account of such message and obscene photograph, the marriage of daughter of the informant could not be performed as the boy and his family members refused to perform marriage. It is also alleged that petitioner also sent one Certificate of Notary in respect of performing his marriage with the victim girl.

By order dated 09.11.2017, counsel for the petitioner was directed to file *Nikahnama* in support of his claim that he has performed marriage with the victim girl.

By filing Supplementary Affidavit, it is submitted that there is no *Nikahnama* available with the petitioner.

The victim girl has given statement under Section 164 Cr. P.C., wherein, she has supported the case and levelled specific allegation against the petitioner that on account of message and obscene photograph sent by this petitioner, her marriage broke down.

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, preferably on the same day, without being prejudiced by this order.

(Sanjay Priya, J)

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