

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23391 of 2019

Arising Out of PS. Case No.-126 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MAHMUD AKHTAR @ MD. MAHMOOD AKHTER, aged about 22 years,
Male, Son of Gulam Mustafa, Resident of Village - Mansara, P.S. Amba,
District – Aurangabad ... Petitioner

Versus

1. THE STATE OF BIHAR
2. Soni Pravin, Wife of Mahmud Akhtar, D/o- Late Salim, Resident of Village -
Mansara, P.S. Amba, District – Aurangabad ... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Adv.
For the State : Mr. Jharkhandi Upadhyaya, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 02-09-2019 Heard learned counsel for the petitioner, learned
counsel for opposite party no. 2, and learned Additional Public
Prosecutor for the State.

Opposite party no. 2, Soni Parvin has been brought
today in the supervision of Sri Deepak Barnwal, Superintendent
of Police, Aurangabad, along with Sri Birendra Paswan, Station
House Officer, Amba Police Station, Aurangabad, in compliance
of orders, dated 22.07.2019 and 08.08.2019, as in spite of
receiving the notice opposite party no. 2 had not turned up
before this Court either in person or through counsel.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 126 of 2017 for the offences alleged under



Sections 323, 379, 498A, 376 and 34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

The accusation is of torturing of complainant/opposite party no. 2, Soni Parvin, due to non-fulfillment of demand of dowry at the hand of her husband and other in-laws and removing her from matrimonial house in pregnant stage snatching her personal belongings.

Opposite party no. 2, stated that at present she is residing with Tabish Raza, P.S. Panki, Palamau, Jharkhand, after performing Nikah with him and she does not want to live with the petitioner, Mahmud Akhtar @ Md. Mahmood Akhter, with whom her Nikah was performed earlier. She also produced a Notary affidavit, dated 17.06.2019, about performing Nikah with Tabish Raza, son of Marghoob Alam, resident of P.S. Panki, Palamau, Jharkhand, and she also expressed her desire to live with him as wife and husband. According to Aadhar Card, produced by her, she is aged about 22 years, as her date of birth is detailed as 02.02.1997.

Superintendent of Police, Aurangabad, submits that after the orders, dated 22.07.2019 and 08.08.2019, hectic search was made and opposite party no. 2 was traced out at Sikandrabad and after much persuasion she had come at



Aurangabad and has been brought here today.

Opposite party no. 2 also expressed that she has no objection in allowing the privilege of pre-arrest bail to the petitioner, Mahmud Akhtar @ Md. Mahmood Akhter.

Having regards to the facts and circumstances of the case, as stated above, the provisional bail granted to the petitioner, Mahmud Akhtar @ Md. Mahmood Akhter, vide order, dated 11.04.2019, is hereby **confirmed**.

The personal appearance of Superintendent of Police, Aurangabad, and Station House Officer, Amba Police Station, Aurangabad, is dispensed with.

(Rajendra Kumar Mishra, J)

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