

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17747 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- ABADPUR District- Katihar

Salahuddin @ Quazi Salahuddin, aged about 37 years, Male, Son of Abdul Rashid, Resident of Village Bariyol, P.S. Abadpur, Distt. Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishikesh Ojha

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-03-2019 Heard Anil Kumar Mishra, the learned counsel for the petitioner, the learned Additional Public Prosecutor for the State as well as Mr. Ajit Kumar Singh, the learned counsel appearing on behalf of the informant.

Petitioner apprehends his arrest in Abadpur P.S. Case No.145 of 2018, registered under Sections 341, 323, 504, 506, 376, 498 and 34 of the Indian Penal Code.

The informant disclosed in her written application, which is the basis of the FIR, that she was married to one Mukhtar Alam in the year 2006 and got two children but she could not pull on well with her husband on account of his economic condition. She came across with the petitioner who is her classmate. The petitioner persuaded her to get her children admitted in his school and later on the petitioner persuaded her



to get divorce from her first husband so that the petitioner would marry her. She further alleged that the petitioner also married with the informant but when the informant came to know that petitioner was going to remarry another girl, the informant went to his house and where the petitioner and his family members abused and assaulted the informant.

Learned counsel for the petitioner submits that no offence under Section 376 or 498 of the Indian Penal Code is made out. According to the contents of the FIR itself, the victim is a consenting party and she voluntarily lived with the petitioner as wife. The petitioner has not yet married. There is no prohibition of second marriage in Islamic religion.

Mr. Ajit Kumar Singh while opposing the prayer for anticipatory bail of the petitioner submits that the petitioner also denied the factum of his marriage with the informant. In fact the petitioner on the pretext of providing the informant a job in police service established physical relation and also solemnized marriage but it appears from the contents of the FIR itself that the informant was a consenting party. She got divorce from her first husband and thereafter started living with the petitioner. She also disclosed that she and the petitioner solemnized marriage.



Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Abadpur P.S. Case No.145 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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