

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18001 of 2019**

Arising Out of PS. Case No.-388 Year-2016 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. NISHAR ALAM, Son of Md. Sajahid, Resident of Village-Baghnocha,
P.S.-Azamnagar, District-Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Nilam Khatoon, Wife of Md. Nishar Alam, D/o Late Nijamuddin, Resident of Village-Jankinagar, P.S.-Azamnagar, and District-Katihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Md. Musowir
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-06-2019 Petitioner seeks bail in anticipation of his arrest in connection with C.A. Case No. 388 of 2016 lodged for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

Allegation against the petitioner is that he has physical relationship with the complainant and thereafter he married with the complainant but after some time he started assaulting her and mentally torturing her and married with another lady.

Submission of learned counsel for the petitioner is that the complainant has earlier married with some other person, which will appear from Annexure-3 having sons and daughters also and no marriage was solemnized between the petitioner and the complainant and as such no case is made out under Section 498A IPC.

Heard learned APP and learned counsel for the



complainant, who has opposed the prayer for anticipatory bail and submitted that petitioner is accused in one more case but he could not produce any certified copy of the order and further submitted that complainant is the first wife of the petitioner and she has been harassed and tortured after marriage.

In view of above facts and circumstances, let petitioner surrender within a period of six weeks from the receipt of this order and on surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Katihar, in connection with C.A. Case No. 388 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition is that petitioner has to co-operate in disposal of trial and appear before the court as and when required.

(Vinod Kumar Sinha, J)

spal/-

U		T	
---	--	---	--

