

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21923 of 2019

Arising Out of PS. Case No.-2511 Year-2016 Thana- COMPLAINT CASE District- Araria

MD. JALAL Son of Late Laboot Resident of Village - Kankhudiya, P.S.-
Palasi, Distt.- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Khaitauriya Wife of Md. Jalal, D/o Late Jahan Ali Resident of Village -
Karaud Dighali, P.S.- Palasi, Distt.- Araria., At Present Resident of Village -
Bilatibari, P.S.- Palasi, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam
For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 31-07-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 2511C of 2016 in which cognizance has

been taken under Section 498A of the Indian Penal Code read

with Section 4 of the Dowry Prohibition Act.

Allegation against the petitioner, as per complaint is that
marriage of the complainant was solemnized with the petitioner
according to Muslim custom 25 years ago. It has further been
alleged that after 2-3 years of marriage, accused persons started
torturing the complainant and demanded Rs. 2 lacs but the same
was not fulfilled due to poverty and complainant was ousted
from her matrimonial house. It has further been alleged that
petitioner has performed second marriage with Bibi Sehna.



Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case inasmuch as at no point of time, complainant was wife of the petitioner. He further submits that Annexure-4 is AADHAR Card of the complainant in which her date of birth is 01.01.1935 and the name of husband is Mahmoddin whereas petitioner is merely 52 years of age. Learned counsel further submits that complainant has been getting benefit of old aged pension from the Government on the ground that her being widow of Md. Mahmoddin.

On the other hand, learned counsel appearing on behalf of the O.P.No. 2 opposes the prayer for anticipatory bail and submits that petitioner has been torturing the complainant and not keeping her with him and has performed second marriage.

After having heard learned counsel for the parties and taking into consideration the fact that allegation against the petitioner is general and omnibus in nature and petitioner has denied the factum of marriage based upon the AADHAR card and old aged pension, accordingly, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks



from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned SDJM, Araria in connection with Complaint Case No. 2511C of 2016; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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