

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32392 of 2019

Arising Out of PS. Case No.-393 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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MD. NAUSHAD Son of Md. Kalam, Resident of village- Hardash Chak, P.S.-
Khagaria (Mufassil), District- Khagaria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anjum Khatoon, W/o Md. Naushad D/O Md. Nizam, Resident of village-
Badhawa-Ganeshpur, P.S.- Puraini, District Madhepura at present Village-
Islampur, P.S. and District- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram
For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-08-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 393C/2017, disclosing offences

under Section 498A of the Indian Penal Code and Section 3/4 of

the Dowry Prohibition Act.

Allegation as per complaint petition is that petitioner
performed Nikah with the complainant at Hyderabad and taken
away her money and, thereafter, he did not return and when the
complainant came to his village, she was abused and assaulted
by the petitioner and other accused persons and they also
demanded dowry.

Submission of learned counsel for the petitioner is
that he has falsely been implicated in this case and further there



is no proof of marriage between the petitioner and complainant and the petitioner is aged about 20 years, whereas, the complainant is aged about 40 years and she was pressurizing him to perform Nikah for which, the petitioner has also lodged a sanha in the concerned police station, prior to lodging of this case by the complainant and further the cognizance has been taken only under Section 498A of the Indian Penal Code.

Heard learned A.P.P. as well as learned counsel for the complainant opposed the prayer for bail, however, the could not bring any proof of marriage between petitioner and complainant and there is no witness of Hyderabad rather the witnesses are local people.

Having heard both sides, considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria, in connection with Complaint Case No. 393C/2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with further subject to the condition that petitioner will



cooperate in disposal of complaint case and appear as and when required by the court, failing which, his bail bonds would be liable to be cancelled.

(Vinod Kumar Sinha, J)

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