

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30822 of 2019

Arising Out of PS. Case No.-8 Year-2014 Thana- COMPLAINT CASE District- Kishanganj

Zulfakar, Son of Paijru Resident of Village Khazurbari P.S. Paharkatta Distt-
Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahnaz @ Bibi Sahnaz Begum @ Maleka Khatoon, D/O Md. Hussain
Resident of Village Shitalpur P.S. Paharkatta Distt- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 18-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.8 of 2014 in which cognizance under
Section 498(A) of I.P.C. and Section 4 of the D.P. Act has been
taken against the petitioner.

The allegation against the petitioner as per the
complaint is that marriage of the complainant, i.e, Opposite
Party No.2 was solemnized with the petitioner about 2 years
back from the date of filing of the complaint and after marriage,
the complainant went to Sasural and out of wedlock, one male
child has born. It has further been alleged that the petitioner and



other accused persons started demanding a sum of Rs.15,000/- as dowry and due to non-fulfillment of the same, the complainant was assaulted mentally as well as physically.

Mr. Ram Pravesh Kumar, learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case based upon *mala fide* complaint. Learned counsel further submits that both the parties have taken divorce as per Annexure-2 which is the joint declaration of mutual divorce between the parties which has been supported by Darul Quaza Edara-e-Sharia, Dist. Kishanganj & U/Dinajpur, Bihar/Bengal.

Learned counsel for the petitioner further submits that notice was issued to Opposite Party No.2 but despite service of notice, she did not appear before this Court.

Having regard to the submissions made by the parties and taking into consideration the fact that despite service of notice, Opposite Party No.2 chose not to appear before this Court and it appears that both the parties have taken divorce with mutual consent, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the provision bail granted by this Court vide order dated 14.05.2019 be confirmed and the bail



bond furnished by the petitioner earlier shall be treated to the
bail bond furnished by the petitioner pursuant to this order.

(Anil Kumar Sinha, J)

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