

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79754 of 2018**

Arising Out of PS. Case No.-64 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

Md. Sohail Akhtar S/o Md. Akhtar, resident of village- Kushahachak, p.s. -
Sanhaura, Distt.- Bhagalpur

... .. Petitioner

Versus

1. State Of Bihar and Anr
2. Bibi Guriya Khatoon D/o Md. Rustam, W/o Md. Sohail Akhtar, resident of
Village- Kushaha, P.O. - Sahayal, P.s. - Sanokhar, District- Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal
For the Opposite Party/s : Mr.Sri Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 22-04-2019

This application, for grant of anticipatory bail, arises
out of Complaint Case No. 64 of 2017, disclosing offences under
Sections 323, 341, 498(A)/34 of the Indian Penal Code.

Petitioner happens to be husband of the complainant –
opposite party no. 2 and allegation against him is of subjecting the
complainant – opposite party no. 2 with respect to demand of
dowry.

Learned counsel for the petitioner has challenged the
veracity of marriage between the petitioner and complainant and
submitted that complainant claimed to have performed marriage
with the petitioner on 15.07.2015, whereas, on oath, petitioner has
stated that she was married with one Md. Qayum and marriage
was dissolved on 31.07.2016 and as such the whole prosecution



case is false and concocted.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has opposed the prayer for grant of anticipatory bail and submitted that after divorce with said Md. Qayum, the complainant married with this petitioner and, thereafter, she was ousted from her matrimonial house. However, learned counsel for the complainant failed to satisfy this court as to when, she was divorced by her first husband.

Having heard both sides, in view of the above facts, this application is allowed. 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, Bhagalpur, in connection with Complaint Case No. 64 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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