

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33627 of 2019

Arising Out of PS. Case No.-756 Year-2016 Thana- COMPLAINT CASE District-
Kishanganj

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MD. RIZAUL HAQUE @ MOHD RAZA -UL-HAQ @ RIZA-UL-HAQUE
Son of Late Kalimuddin Resident of Village- Deramari, Police Station-
Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Hajera Khatoon Wife of Md. Riza-ul-Haque @ Mohd Raza-ul-Haque @
Riza-Ul-Haque, D/O- Ramniyar Resident of Village - Bagarua, P.S.-
Naijhchatrapur, District- Malda (W.B.)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 18-10-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.756C of 2016, registered for offences
punishable under Sections 498(A), 323/34 of the Indian Penal
Code and Section 4 of the D.P.Act.

In this case earlier notice was issued to the O.P.no.2,
however the service report discloses that the ordinary notice
and the registered notice have returned with report 'no correct
address', however, submission of the learned counsel for the
petitioner is that he has supplied the address in the notice on
the basis of the address given by the complainant in his



complainant petition.

In view of the facts as stated above, this case is being heard and disposed of on merit.

Allegation against the petitioner who happens to be husband of the complainant is of demand of the dowry of Rs.01 lac and for that subjecting her to cruelty.

Submission of the learned counsel for the petitioner is that as a matter of fact there was divorce between the parties on mutual agreement, which will appear from Annexure-2 and thereafter the present case has been filed.

In spite of notice being served on the address supplied on the complaint petition, the same is returned with a note of incorrect address.

Heard learned A.P.P. also.

In view of the facts and circumstances as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Kishanganj in connection with Complaint Case No.756C of 2016, subject to conditions as laid down under



Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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