

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62662 of 2018

Arising Out of PS. Case No.-796 Year-2017 Thana- KISHANGANJ District- Kishanganj

Md. Nahid Alam @ Nahid Alam, son of Md. Nazir Alam, resident of village-Malingaon, P.S. Pauwakhali, District-Kishanganj.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Angustari Begum, wife of Md. Nahid Alam, resident of village-Malingaon, P.S. Pauwakhali, District-Kishanganj.

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Durga Nand Jha, Advocate.
For the State : Mr. Sanjay Kumar Sharma, A.P.P.
For the complainant/opposite party no.2: Mr. Md. Hussain, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the complainant/opposite party no.2.

The petitioner apprehends his arrest in connection with Complaint Case being No.796(C) of 2017 registered under Sections 323, 341 and 498(A) of the Indian Penal Code besides Sections 3/4 of the Dowry Prohibition Act.

The accusation is that Nikah of the complainant/opposite party no.2 with the petitioner was performed on 01.09.2013 according to Muslim custom. While the complainant/opposite party no.2 was kept properly one year by her Sasural people but, thereafter, she was being tortured,



due to non-conceiving the pregnancy. After that, her husband and in-laws started to put pressure upon her to take Rs.1,00,000/- and 2 Bhar gold from her Maika but she refused, saying that the financial condition of her parents is not good. Thereafter, she was being tortured through various modes and, lastly, on 25.10.2017, she was assaulted by her Sasural people and attempt was also made to kill her by pouring kerosene oil on her body.

Learned counsel for the petitioner submits that, in fact, no Nikah was performed in between the complainant/opposite party no.2 and the petitioner. Since the petitioner used to do the job at Bombay and earn handsome salary, due to that reason, the parents of the complainant/opposite party no.2 wanted to perform the marriage of the complainant/opposite party no.2 with the petitioner but, on refusal, only to put pressure upon the petitioner and his family members, the present case has been lodged by the complainant/opposite party no.2.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Kishanganj, in connection with Complaint Case No.796(C) of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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