

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66457 of 2018

Arising Out of PS. Case No.-1800 Year-2007 Thana- PATNA COMPLAINT CASE District-
Patna

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Md. Nafish Ashraf @ Md. Nafis Ashraf S/o Khairati Ashraf Resident of
Village-Barah Batra,P.S. Arah Town,Distt.-Bhojpur At Preent-27B
Resipuriferals Private Limited 67,Benitic Street Frist Floor New Alipur
Kolkatta Pin Code No.700027

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sanda Khatoon wife of Md. Nafish Ashraf D/o Ali Ashraf Resident of
Village-Purdilganj Kayam Nagar P.S. Koilwar,Distt.-Bhojpur.At Present
Jypti Shishu Niketan School,Near Mohalla Dargah Road,P.S.
Sultanganj,Distt.-Patna 800006

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh
For the Opposite Party/s : Mr.Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, being the husband of the complainant, is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 498A of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant, Sajda
Khatoon is to the effect that the marriage of the complainant
was performed with the petitioner on 16.03.2006, but there was



subsequent dowry demand and for non-fulfillment of the same, torture was inflicted upon the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant, but now the complainant has performed second marriage.

Learned APP for the State submits that the complaint was filed in 2007, the petitioner's initial anticipatory bail application was rejected by learned Sessions Judge, Patna vide order dated 20.05.2008 passed in A.B.P. No. 1474 of 2008 and thereafter the second anticipatory bail application was preferred in the year 2018 which is after 10 years of rejection of initial anticipatory bail application by the learned Sessions Judge.

Considering the fact that the complaint was filed in 2007 when the complainant has performed second marriage in 2012 and the petitioner has chosen to prefer the present bail application after 10 years of the rejection of the initial anticipatory bail application, this Court is not inclined to grant anticipatory bail to the petitioner. But keeping in view of the fact that admittedly the complainant has performed second marriage, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with



Complaint Case No. 1800 C of 2007, pending before the
learned SDJM, Patna.

With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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