

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61454 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA P.S. District- Siwan

AFTAB AHMAD @ AFASAR Son of Late Nabi Ahmad Resident of Village - Sultanpur, P.S.- Andar, Distt - Siwan.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shabana Khatoon Wife of Aftab Ahmad @ Afasar Resident of Village - Sultanpur, P.S. - Andar, Distt - Siwan. At present D/o Abdul Monaf, Resident of Village and P.S.- Barhariya, Distt - Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramadhar Shekhar
For the Opposite Party/s	:	Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-09-2019 This application, for grant of anticipatory bail, arises out of Mahila P.S. Case No. 05/2019, disclosing offences under Section 498A and 313 of the Indian Penal Code.

Petitioner happens to be husband of the informant and allegation against him is of demand of dowry of Rs. Two Lakh and on non fulfillment of the said demand he tortured and assaulted her due to which her pregnancy was aborted.

Submission of learned counsel for the petitioner is that so far allegation under Section 313 Indian Penal Code is concerned, there is no medical report available. So far other allegations are concerned, same are false and concocted and as she had no issue, on her insistence petitioner solemnized



marriage with her sister and, thereafter, this present case has been lodged. He is ready to keep both the wives.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with direction to the petitioner to surrender in the court below on 16.10.2019, on which, the learned court below shall release the petitioner on provisional bail for a period of two months and in the meantime, he will issue notice to opposite party no. 2 and if the the informant is ready to live with the petitioner and the petitioner is also ready to take her to his house from the court below itself, he will confirm the provisional bail of the petitioner, otherwise, the court below will hear both the parties, will pass an appropriate order either confirming the provisional bail of the petitioner or cancelling the same.

(Vinod Kumar Sinha, J)

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