

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69955 of 2019**

Arising Out of PS. Case No.-2465 Year-2017 Thana- VAISALI COMPLAINT CASE  
District- Vaishali

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MD. GULAM GAUS S/o Md. Kalam Resident of Village- Dhiran Chapra,  
P.S.- Bela, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabila Khatoon W/o Md. Gulam Gaus, D/o Md. Ainul Resident of Village-  
Dhiran Chapra, P.S.- Bela, District- Muzaffarpur. At present residing at  
Village, Post and P.S. and District- Vaishali.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Sinha  
For the Opposite Party/s : Mr.Shaheen Begum

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

2      14-11-2019                      This application, for grant of anticipatory bail, arises  
  
out of Complaint Case No.    2465/2017, disclosing offences  
  
under Sections 498(A), 379 and 406 of the Indian Penal Code.

Petitioner happens to be husband of the complainant  
and allegation against him is of subjecting the complainant to  
torture with respect to demand of dowry and further allegation is  
that he ousted the complainant from the house and solemnized  
second marriage with another lady.

Submission of learned counsel for the petitioners is  
that there is not marriage between the petitioner and the  
complainant and Nikahnama is false and concocted and  
petitioner is married from before with one Rukhsana Khatoon



and as such the allegation that petitioner has performed second marriage is false and cognizance has also not been taken under Section 494 Cr.P.C. and he is ready to cooperate in disposal of trial and there is no chance of his absconding and tampering with the evidence.

Heard learned A.P.P. also.

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, Vaishali at Hajipur, in connection with Complaint Case No. 2465/2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with further subject to the condition that petitioner shall cooperate in disposal of trial and appear as and when required.

**(Vinod Kumar Sinha, J)**

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