

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75130 of 2019

Arising Out of PS. Case No.-331 Year-2019 Thana- COMPLAINT CASE District- Araria

MD. FIROZ ALAM @ MD. FIROZ @ MD. FAIROZ @ FIROZ ALAM Son
of Abdu Rashid @ Abdur Rashid Resident of Village-Madhopara, Police
Station-Araria, Bargachi (O.P.), District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rummy Naaz @ Rummy Naaz @ Bibi Rumi Wife of Firoz Alam, Daughter
of Abdur Rauf Resident of Village-Bagdahara, Police Station-Joki Hat,
District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. Learned counsel for
the complainant is also present.

The petitioner apprehends his arrest in connection
with Complaint Case No. 331 of 2019 registered for the offence
punishable under Sections 498(A) of the Indian Penal Code and
Section 4 of the D.P. Act.

Learned counsel for the petitioner submits that there is
a series of allegations on both sides and both are said to have re-
married without taking any divorce from the first spouse.

Learned counsel for the complainant, however,
submits that he has no informant to the said effect.



In view of the contradictory stand taken by both the parties and there being specific allegation regarding the wife having re-married, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Araria, in connection with Complaint Case No. 331 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It is made clear that the opposite party/complainant shall be at liberty to lead her evidence in the Court below to substantiate her allegations and also to prove that she has not re-married.

In case, there is conclusive proof available before the Court below, it shall be open to the complainant to move this Court for appropriate legal recourse including cancellation of bail.

(Anjana Mishra, J)

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