

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3271 of 2019**

Arising Out of PS. Case No.-1849 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Faiyaz

... .. Petitioner/s

Versus

The State of Bihar and anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Nawal Kishore Prasad

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

3 07-03-2019 Heard the parties.

The petitioner seeks anticipatory bail in connection with Complaint Case No. 1849 of 2016, registered for offences punishable under Sections 323 and 498 (A)/34 of the Indian Penal Code.

Allegation as per F.I.R. against the petitioner is that on the pretext of marriage, the petitioner taken away the complainant in Maharashtra where the petitioner started living with the complainant as husband and wife but the petitioner fled away from there upon which the Opposite Party No.2 went to the house of the petitioner, where all the accused persons assaulted and abused her.

Submission of the learned counsel for the petitioner is that marriage has never been solemnized with the Opposite Party No. 2, hence, no case is made out under Section 498 (A)



of the Indian Penal Code against the petitioner and the petitioner has falsely been implicated in this case and both the parties are co-villagers and earlier a case had been filed by the petitioner against the Opposite Party No. 2 and in that case, the petitioner has been granted bail and the present case is false and concocted.

Heard learned A.P.P. as well as learned counsel for the Opposite Party No. 2, opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances, as discussed above, let the petitioner, above named, in the event of his arrest or surrender, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each in connection with Complaint Case No. 1849 of 2016 to the satisfaction of learned S.D.J.M., Bhagalpur, subject to the conditions as laid down under Section 438 (2) of Cr.P.C. with condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

sudha/-

(Vinod Kumar Sinha, J)

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