

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57636 of 2019

Arising Out of PS. Case No.-1878 Year-2017 Thana- COMPLAINT CASE District- Araria

RUSO @ RUSTAM S/o Late Md. Yaqub, R/o vill-Baijupatti, Milik Baijupatti, P.S. Bhargama, Dist.-Araria

... .. Petitioner

Versus

1. THE STATE OF BIHAR

2. Azmerun Khatoon W/o Ruso @ Rustam, D/o Md. Masso, R/o Baijupatti, Milik Baijupatti, P.S. Bhargama, Dist.-Araria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 25-02-2020 Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Araria Complaint Case No. 1878 (C) of 2017 wherein cognizance was taken for the offence punishable under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act.

As per allegation in the Complaint, Nikah between the petitioner and the Opposite Party no.2 was solemnised about 16 years before filing of the Complaint, wherein the articles mentioned in the Complaint were given by way of gift. Thereafter, it is stated that the accused persons started making demand of a motorcycle and money to the tune of Rs.50,000/-



for starting business and upon non-fulfillment of the same, started to torture and beat up the Complainant. It is further stated that the petitioner herein married for a second time.

It is submitted by learned counsel for the petitioner that the allegation of demand of dowry, torture and beating up the Complainant are false and concocted and the petitioner has not married beyond the limit permissible in law. It is further submitted that in the Court below, an affidavit was filed on 10.06.2019 jointly sworn by the parents of the Complainant, wherein in paragraph no.6, it has been stated that the Complainant has fled away with one Md. Mustaque and having abandoned her husband (petitioner herein) and their children is living with Mustaque.

It is submitted by learned counsel for the Complainant that the petitioner is the husband of the Complainant against whom there is direct allegation in the Complaint and he has married a second time. It is further submitted that the allegation against the Complainant having married a second time is false.

Having heard learned counsel for the parties and specially in view of the contents of the affidavit sworn by the parents of the Complainant, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of



his arrest or surrender in the Court below within a period of six weeks from today in connection with Complaint Case No. 1878(C) of 2017 is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Araria, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J.)

amit/-

U		T	
---	--	---	--

