

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59596 of 2019**

Arising Out of PS. Case No.-1959 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Aijaz Hasin @ Aijaz Hasan Son of Md. Aslam Alam @ Mantu Resident of
Village - Siktia Bairiya, P.S.- Azamnagar, Distt - Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Nagma Khatoon Wife of Aijaz Hasan, D/o Abdul Hamid Resident of Village
- Jitwarpur, P.S.- Azamnagar, Distt - Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Md. Musowir

For the Opposite Party/s : Ms. Rita Verma

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

4 04-03-2020 Heard learned counsel for the petitioner and learned
counsel for the complainant O.P. No. 2.

The petitioner seeks pre-arrest bail in connection with
C.A. Case No. 1959 of 2017 registered under Sections 323,
498(A), 313 and 312 of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act.

Vide order dated 20.11.2019, the case was referred to
Mediation Centre, Patna High Court as the petitioner and O.P.
No. 2 had made submission that there is chance of settlement of
dispute in between the parties.

The learned Mediator has submitted his report dated
10.02.2020 wherein it has stated that inspite of sincere efforts,



the dispute between the parties could not be resolved through the process of mediation.

Learned counsel for the petitioner submitted that the entire allegation made in the complaint is false and concocted. There is no evidence to support the allegation that the petitioner or any other accused was responsible for causing miscarriage. The fact of the matter is that the complainant was already married to Md. Barik son of Md. Muslim about 5-6 years ago and without taking divorce, she married with the petitioner even without disclosing that she was already married earlier. When the petitioner came to know, there was some dispute because of which, the instant complaint has been instituted.

Per contra, learned counsel for the O.P. No. 2 submitted that the complainant had already been divorced by her previous husband and this fact was well known to the petitioner from before the marriage of the complainant with him. He contended that the complainant has fully corroborated the allegation made in the complaint in her statement made on oath under Section 200 of the Cr.P.C.

Be that as it may, regard being had to the nature of allegation and submissions advanced at the bar, in the event of arrest or surrender before the court below, the petitioner named



above is directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar, in connection with C.A. Case No. 1959 of 2017 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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