

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20950 of 2020

Arising Out of PS. Case No.-2016 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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MD. TAOUSIF @ MD. TAHSEEB @ MD. TAUSIF @ MD. TOUSIR Son of
Late Hasimuddin @ Hasiuddin Resident of Village - Raza Nagar Kadwa, P.S.-
Baisi, Distt - Purnea.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Marjina Begam Wife of MD. TAOUSIF @ MD. TAHSEEB @ MD.
TAUSIF @ MD. TOUSIR, D/o Md. Matiur Rahman Resident of Village -
Rajnagar Kadwa, P.S.- Baisi, Distt - Purnea at present resident of village -
Khutiya, P.S.- Baisi, Distt - Purnea.

2021

... .. Opposite Party/s

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Appearance :2021

For the Petitioner/s : Mr. Nasrul Hoda Khan, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
2021 ORAL ORDER

2 04-08-2021 Heard Mr. Nasrul Hoda Khan, learned counsel for the

petitioner and Ms. Asha Kumari, learned Additional Public

Prosecutor appearing on behalf of the State.

The petitioner has filed the present anticipatory bail
application for the second time inasmuch as earlier the
anticipatory bail application of the petitioner was rejected vide
order dated 26.08.2019, passed in Criminal Misc. No. 64596 of
2018.

Learned counsel for the petitioner submits that the
marriage of the petitioner with Opposite Party No.2 is disputed
and the petitioner has filed Title Suit No.75 of 2017 in the Court



of learned Principal Judge, Family Court, Purnea. He further submits that in the said suit, petition for holding DNA test of the Opposite Party No.2 and her son was filed by the petitioner, upon which learned trial Court has ordered for the DNA test of the Opposite Party No.2 and her son, but it appears that Opposite Party No.2 along with her son did not appear in the Court for collection of blood sample for DNA test. He submits that conduct of Opposite Party No.2 in not appearing before the Court to get the blood sample collected for DNA test shows the fact that the marriage of the petitioner was not solemnized with the Opposite Party No.2. He, thus, submits that on the basis of the above mentioned subsequent event, this second application for anticipatory bail has been filed by the petitioner.

Having heard learned counsel for the parties and taking into consideration the materials on record and the earlier order dated 26.08.2019, it appears that this Court after hearing petitioner as well as Opposite Party No.2 had rejected the anticipatory bail application filed by the petitioner on merit. No subsequent relevant fact has been brought by the petitioner for consideration of his second anticipatory bail application and in my opinion the non-appearance of Opposite Party No.2 before the trial Court for giving blood sample cannot be considered as



a subsequent event for the purpose of consideration of second anticipatory bail application.

Accordingly, I am not inclined to grant anticipatory bail to the petitioner, which was rejected earlier way back on 28.06.2019.

This application is, accordingly dismissed.

(Anil Kumar Sinha, J)

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