

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13150 of 2020**

Arising Out of PS. Case No.-1900 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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MD. GAUHAR MAHFOOZ @ GAUHAR MAHFOOZ S/o Late Md.
Hahfooj Alam Resident of Mohalla Haji Subhan, Munger, P.S.- Kotwali,
Distt- Munger

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Isma Rahman W/o Md. Gauhar Mahfooz, D/o Md. Main Rahman Resident
of Mohalla- Hasnabad Champagnar, P.S.- Nathnagar, Distt- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 18-01-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. 1900 of 2017, disclosing offences
punishable under Sections 323, 341, 498A/34 of the Indian
Penal Code and Section 4 of the Dowry Prohibition Act.

The petitioner is the husband of the complainant. It
has been alleged that the petitioner and his in-laws had been
making demand of dowry and that the complainant had been
tortured for not fulfilling the demand.

Learned counsel appearing on behalf of the
complainant while opposing the prayer for anticipatory bail, has



submitted that the petitioner has solemnized second marriage and, therefore, he does not deserve the privilege of anticipatory bail.

On perusal of the complaint petition and on consideration of the rival submissions made on behalf of the parties, it transpires that there is matrimonial discord between the petitioner and the complainant, which has resulted into filing of the complaint petition.

Considering the facts and circumstances, this application is allowed.

Let the petitioner above-named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Sub-Divisional Judicial Magistrate, Bhagalpur in Complaint case No. 1900 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail



bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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