

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 10376 of 2020**

Arising Out of PS. Case No.-34 Year-2016 Thana- BHEJA District- Madhubani

MD. ALAM @ ALAM Son of Noor Mohammad Resident of Village - Darah,  
P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Samina Khatoon Wife of Md. Alam D/o Walli Mohammad, Resident of Village - Darah, P.S.- Bheja, District - Madhubani presently Wife of Md. Leahar, Resident of Village - Brahmpura, P.S.- Ghanshyam pur, District - Darbhanga.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.  
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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

4      09-04-2021                      Heard Mr. Hriday Narayan Harshit, learned counsel  
for the petitioner and Mr. Kanhaiya Kishore, Additional Public  
Prosecutor for the State through video conferencing.

2. No one appears on behalf of OP No. 2 and from  
service report of ordinary notice, it appears that notice has been  
pasted on the house of informant inasmuch as she was not  
present in her house.

3. Petitioner apprehends his arrest in connection with  
Bheja PS Case No. 34/2016 registered for the offence  
punishable under Section 342, 379, 498A, 504 IPC and Section  
¾ of the Dowry Prohibition Act.

4. The allegation, as per first information report, is



that the marriage of the petitioner was solemnized with OP No.2, Samina Khatoon in the year 2013 and it has been alleged that after some time, the petitioner along with his family members started demanding dowry of Rs. 60,000/- and due to non fulfillment of the same, petitioner along with his family members assaulted the informant and tortured her physically and mentally.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive. Learned counsel referring to Annexure-2, submits that OP No.2 herself filed a Divorce Case before *DARUL QUAZA IMARAT SHARIAH, BIHAR, ODISHA & JHARKHAND*, Phulwari Sharif, Patna and an order has been passed in favour of OP No.2 granting divorce to her as per Muslim customs. Learned counsel further submits that after having divorce from petitioner, OP No.2 has performed second marriage with one Md. Izhar son of Md. Munna, Village- Brahmpura, PS- Ghanshyampur, Distt- Darbhanga.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the nature of allegation and further the fact that OP No.2 has obtained divorce from the petitioner and the charge-sheet has



already been submitted in this case, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, MD. ALAM @ ALAM shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-III, Jhanjharpur, Madhubani in connection with Bheja PS Case No. 34/2016, subject to the conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

**(Anil Kumar Sinha, J)**

perwez

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

