

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27495 of 2022

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA PS District- East Champaran

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IMTEYAZ QURAISHI @ IMTEYAZ Son of Mahammaddin Quraishi
Resident of Village - Chik Patti, Ward No. 09, Police Station- Motihari Town,
District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. AFSANA KHATOON W/o Imteyaz Quraishi @ Imteyaz, D/o Md. Basir Quraishi At present resident of Village - Chik Patti , Sugauli Bazar, Ward No. 09, Police Station - Sugauli, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-09-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 498(A), 494, 420, 406 read with 34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

As per the prosecution case, marriage of the complainant was solemnized with the petitioner as per Islamic rites and custom. After marriage the petitioner and her in-laws started assaulting and torturing her due to non-fulfillment of demand of dowry and she



was ousted from the matrimonial home by them. The petitioner also contracted second marriage with co-accused Juniya Khatoon with the assistance of co-accused persons.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that the complainant is not a complete lady (eunuch) and marriage was performed by suppressing the aforesaid fact. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.01.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that the petitioner is the husband of the complainant.

Considering the aforesaid facts and circumstances as well as the period of detention against the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Mahila P.S. Case No. 09 of 2020.

The application stands allowed.

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(Chandra Prakash Singh, J)

