

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2226 of 2023**

Arising Out of PS. Case No.-1973 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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BANTI @ SHAHID @ MD. SHAHID S/O ABDUL VADUD Resident of
Village- Ramshila, Warish Nagar, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. ASHYA KHATOON D/O MUSTAQUE KHAN Resident of Village- Warish
Nagar, P.S.- Kotwali, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-04-2023 At the outset, learned counsel appearing on behalf of

O.P. No.2 has filed counter affidavit in Court, a copy of which

has already been served upon learned counsel for the petitioner.

Let the same be kept on record.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehends his arrest in connection

with Complaint Case No.1973/2019, registered for the offences

punishable under Sections 498(A), 323 and 34 of the Indian

Penal Code.

The petitioner and other co-accused persons are said



to have tortured the complainant physically and mentally for non-fulfillment of demand of additional dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the petitioner has never solemnized marriage with O.P. No.2 as she has already solemnized marriage with another person, namely, Md. Sahbaz Ali, Resident of Patharwari, P.S. Akbarpur, District Nawada.

Learned counsel for O.P. No.2 opposed the prayer for grant of anticipatory bail to the petitioner by submitting that he has annexed the *Nikahnama* with the counter affidavit which shows that petitioner has solemnized marriage with O.P. No.2.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Complaint Case No.1973/2019, subject to the conditions laid down under



Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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