

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16307 of 2020

Arising Out of PS. Case No.-2761 Year-2014 Thana- COMPLAINT CASE District- Araria

Md. Salim @ Salim, Son Of Md. Moin Resident Of Village - Basmatiya, P.S.-
Narpatganj, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Khatoon, Wife of Md. Salim @ Salim D/o - Md. Zainuddin, Resident of Village - Kirkichiya, Ward No. 4, Tola Kotheli, P.S.- Forbesganj, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Naushad Uzzoha
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 06-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section
498(A) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and being husband
has been falsely implicated in the present case. It is next
submitted that in compliance of the order of this Court, notices
were filed for being served upon the opposite party no.2 and
from perusal of the office report, it would manifest that the
opposite party no.2 has personally received the notice. It is next



submitted that the opposite party no.2 despite receiving the notice, chooses not to contest the case. It is further submitted that opposite party no.2 has already performed her second marriage and as such, is not appearing to contest the case. It is also submitted that specific pleading at Para-10 of the anticipatory bail application has been made that after instituting the present case, the complainant has performed her second marriage with Md. Kalam.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No.2761-C of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the complainant shall be at liberty to file an application seeking cancellation of the bail order of the petitioner, in the event, if she has not performed her second



marriage, before this Court.

(Satyavrat Verma, J)

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