

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44637 of 2022

Arising Out of PS. Case No.-187 Year-2021 Thana- ASARGANJ District- Munger

MD. CHHOTU Son of MD. Tabjul Resident of Village - Madarpur, PO.-
Makwa, P.S.- Asarganj, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahin Khatoon D/o Manjul Khan Resident of Village - Kharwa, PO- Gonai,
P.s.- Asarganj, Distt.- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 22-08-2023 Heard learned counsels for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with a case registered for the offence punishable under Sections 323, 498(A) and some other ancillary Sections of the I.P.C. and u/s 3/4 of the D.P. Act.

3. As per prosecution case, the informant solemnized love marriage with petitioner and after marriage she gave birth to two sons and one daughter. On 05/11/2021 this petitioner and other accused persons assaulted her and ousted her from her matrimonial house for dowry.

4. It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim and he is ready to keep his wife with full honour and dignity. It is further submitted that during the



pendency of the case the informant/ O.P. No.2 solemnized second marriage with one Lal Babu (driver) s/o Mosim R/o village-Banodha PS Muffasil District- Munger. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in *2006(3) PLJR 182*. Petitioner has got clean antecedent.

5. Learned counsel for the State opposes the prayer for anticipatory bail.

6. Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Munger in connection with Asarganj PS case No. 187/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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