

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64558 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- MANIHARI District- Katihar

MD. JUBER ALAM Son of Sk. Siddique Resident of Sabuttar, P.S.- K.
Nagar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh,Advocate
For the Opposite Party/s	:	Mr.Suman Kumari Singh,APP
For the Informant	:	Mr. Rahuvendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 16-01-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner apprehends his arrest in connection with Manihari P.S. Case No. 22 of 2021 for the offence registered under Sections 323, 307, 498(A), 506 and 34 of the Indian Penal Code.

As per the prosecution story, the petitioner is working in the Grill shop and duped the complainant who is a divorcee and establish physical relationship after assuring her of marriage, and subsequently, got married on 24.06.2019. However, later his family members started demanding dowry and due to non-fulfillment, she was tortured. Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that he is a married person and there was no question of marrying the lady. The fact remains that he was kidnapped and forced to sign certain documents to show that he had married the lady for which he had already preferred K. Nagar P.S. Case No. 169 of 2020 on 05.06.2020 for the alleged kidnapping that took place on 21.06.2019. His further submission is that there is no document with the complainant to show that he ever married her and accordingly, in the aforesaid background, he deserves bail.

Learned counsel for the informant, on the other hand, has produced a document of Notary Public dated 24.06.2019 to show that the petitioner had accepted her along with her son as his wife and as such, he cannot exonerate himself from the responsibility and/or allegation. So far as the delay in filing the complaint is concerned, the submission is that being a rustic lady, she waited for the petitioner to mend his ways and after failing to do so, this complaint was lodged.

This Court has gone through the rival contentions put forward by the parties and is of the view that when the petitioner is disputing the marriage with the complainant and has further brought on record an FIR of 2020 to this effect that he was kidnapped, till the investigation is completed, he should be



given the protection. Once the police investigates the matter and comes to a final conclusion, the petitioner will be taking legal steps accordingly.

This anticipatory bail application is accordingly disposed of granting relief to the petitioner till the investigation is completed. If the police submits charge sheet, the petitioner will be duty bound to take appropriate steps for grant of relief as the present protection is given to him only till the conclusion of the investigation.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Katihar in connection with Manihari P.S. Case No. 22 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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