

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62073 of 2023

Arising Out of PS. Case No.-1247 Year-2019 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Mohammad Amin Miyan @ Md. Amin S/O Late Mohammad Samtali Miyan R/O Village- Miskari Tola, P.S- Devariya (DEORIA), Distt.- Muzaffarpur.
 2. Israt Khatoon W/O Mohammad Amin Miyan R/O Village- Miskari Tola, P.S- Devariya (DEORIA), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Newajan Khatoon W/O Mohammad Amin Miyan, D/O Late Kifayat Miyan Presently Reside At Village- Bariya Mohna, P.S- Ahiyapur, Distt.- Muzafarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No. 1247 of 2019 dated 26.07.2019, instituted
for the offence punishable under Sections 323 and 498A of the
Indian Penal Code.

3. The prosecution case, in short, is that complainant
stated in her complaint case that her marriage was solemnized to
petitioner no. 1 thirty five years ago. Three daughters and one
son have born to her out of their wedlock. She was subjected to



cruelty and torture by petitioner no. 1 and petitioner no. 1 solemnized his second marriage to petitioner no. 2 (Israt Khatoon). The complainant further disclosed that in the year 2018, after assault she was ousted from her matrimonial home and she has been living in a rented house since then.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that marriage took place between the complainant and the petitioner no. 1 more than 39 years ago from today having four children and petitioner no. 1 solemnized his second marriage twenty years ago with the consent of the informant. It is submitted that nothing has been mentioned against the petitioners in the complaint case. It is submitted that petitioner no. 2 is aged about 45 years and is second wife of petitioner no. 1. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Complaint Case No. 1247 of 2019, they shall be released



on anticipatory bail upon furnishing bail bonds of Rs. 10,000/-
(ten thousand) each with two sureties of the like amount each to
the satisfaction of the learned Judicial Magistrate-Ist Class
(West), Muzaffarpur, subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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