

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65479 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- PURAINI District- Madhepura

JAWAHAR MEHTA Son of Sri Ramotar Mehta Resident of Village -
Chatnama, P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashabi Shekh Ibrahim D/O - Nabilal Shekh Resident of Village -
Fakiranagar Road, District - Usmanabad Maharastra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 04-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 498(A), 494,
504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that twice
notices were sent on the address of the informant but the same
returned unserved. It is further submitted that from perusal of the
address on the notice, it would manifest that the same correctly
records the address furnished by the informant in the FIR. It is
next submitted that petitioner is only aware of the address as
furnished by the informant in the FIR.

Be that as it may, since an FIR came to be instituted by
the informant as such it becomes the duty of the State to contest



the case on behalf of the informant.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

The informant alleges that the petitioner was working as a labour in village Fakiranagar Road, District Usmanabad, Maharashtra where the informant fell in love with him and the petitioner disclosed that he is married but his wife is mad and thus gave proposal of marriage with the informant and thereafter the informant came to his house at Bihar and married him. It is further alleged that prior to marriage, petitioner had taken Rs.3 lakhs from the informant in the name of constructing his house. It is next alleged that the informant even cheated her of Rs.2,20,000/- in the name of rituals with assurance of returning the same after selling his land. It is also alleged that when the informant came to Bihar she realized that first wife of the petitioner was not mad and his wife even tried to poison her child and the accused persons threatened her to go back failing which she would be killed as they are relative of Faizan Gang.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that no doubt petitioner and the informant were known to each other as they were working as labourer in the same district but then the question of marriage does not arise simply for



the reason that the FIR itself discloses that the petitioner had disclosed to the informant that he is married from before. It is next submitted that it has been falsely alleged that the petitioner disclosed to the informant that his wife is mad. It is also submitted that the marriage could not have been performed while the first marriage was subsisting. It is further submitted that as far as allegation of taking money from the informant is alleged the same is ornamental in order to give a serious colour to the case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Puraini P.S. Case No. 104 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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