

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8137 of 2023

Arising Out of PS. Case No.-1328 Year-2011 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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ARUN KUMAR @ ARUN RAI S/O Babunand Rajbhar R/O Village- Lahana,
P.S- Gahmar, District- Gazipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jainab Khatoon D/O Late Nejam Khan R/O Moradabad, P.S- Sasaram,
District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad
For the State : Mr.Satya Nand Shukla
For the O. P. No. 2 : Mr. Fazle Karim

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 10-05-2023 Heard learned Counsel for the petitioner, learned

Counsel for the complainant-Opposite Party No. 2 and learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Complaint Case No. 1328 of 2011, in which cognizance has
been taken for the offences punishable under Section 498-A of
the Indian Penal Code and Section 4 of the Dowry Prohibition
Act.

The prosecution case, as per the complaint filed by
the complainant-Opposite Party No. 2, is that the marriage of



the petitioner was solemnized with the Opposite Party No. 2 on 20.08.2010. At the time of marriage, the petitioner did not disclose his correct identity and told the complainant and her mother that his name is Md. Mokhtar Khan, and accordingly the marriage was solemnized in the Court before the Notary Public.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as he was the tenant in the house of the mother of the complainant. The petitioner did not solemnize marriage with the complainant and she is not the wife of the petitioner. In other words, the petitioner is denying the veracity of the marriage itself. He further submits that the petitioner is in custody since 23.09.2022 and the case is triable by the Court of Magistrate.

On the other hand, learned Counsel for the Opposite Party No. 2 vehemently opposes the prayer for bail and submits that the petitioner misrepresented his identity, allured the complainant, performed marriage with her and after sometime, he tortured the complainant and left her in her matrimonial home. He further submits that cognizance of the offence has been taken in this case in the year 2012 and since then, the petitioner is absconding and ultimately filed anticipatory bail application on 05.04.2019, where the petitioner



undertook to keep the complainant as his wife with him, but he did not adhere to the undertaking given before this Court in the anticipatory bail application and ultimately the anticipatory bail application was rejected on 11.12.2019. After issuance of processes under Sections 82/83 of the Code of Criminal Procedure, 1973, the petitioner surrendered before the learned Court below on 23.09.2022. He also submits that in the maintenance case filed by the Opposite Party No. 2, the learned Family Court has awarded a sum of Rs. 9,000/- per month as maintenance in favour of Opposite Party No. 2, but the petitioner has not paid a single farthing to the Opposite Party No. 2.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the case is triable by the Court of Magistrate and he is in custody since 23.09.2022, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/ Sub Divisional



Judicial Magistrate, Rohtas, at Sasaram, in connection with
Complaint Case No. 1328 of 2011.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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