

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6362 of 2024

Arising Out of PS. Case No.-1439C Year-2014 Thana- COMPLAINT CASE District- Supaul

Md Jahir S/o Late Md. Amir R/o Vill - Laxminiya, P.S. - Saur Bazar, District
– Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Gulshan Khatoon W/o Md. Jahir, D/o Late Abdul Gafur R/o Vill -
Madhura, P.S. - Kishanpur, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Arun, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the O.P.No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 14-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner, husband of the opposite party no. 2,
apprehends his arrest in a complaint case punishable for the
offence under Section 406, 498(A) of the Indian Penal Code.

3. As per complaint petition, the complainant was
married with this petitioner 15 years ago and it is alleged that
after 4 years of marriage, all the in-laws members including
this petitioner started demanding motorcycle and due to non-
fulfillment of the same, she was subjected to torture and
harassment and also solemnised second marriage with another



lady and lastly, complainant was ousted from her matrimonial house.

4. Learned counsel for the petitioner, while denying the allegations made in the complaint petition, submits that petitioner has been falsely implicated in this case merely because he is husband of the opposite party no. 2. As a matter of fact, the opposite party no. 2 has already solemnised marriage with one Md. Kalim 8 years ago and leading her conjugal life with him. However, still petitioner is ready to keep the opposite party no. 2 with full honour and dignity. Moreover, the case is triable by the learned 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. Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let this petitioner, as named above, 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 the learned J.M. 1st Class, Supaul in connection with Complaint Case No. 1439-C of 2014, subject to the conditions, as laid



down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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