

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6410 of 2023

Arising Out of PS. Case No.-2166 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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NAUSHAD ALI Son of Nasruddin Miyan Resident of Village- Pachmava
Bairiya, P.S.- Shikarpur, District- West Champaran at Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar
2. IZRANA KHATOON Wife of Naushad Ali, D/O Naushad Alam Resident of
Village- Puraina Gosai Madni Tola, Jolha Toli, P.S.- Chanpatia, District-
West Champaran at Bettiah

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 28-08-2024 1. Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel appearing on behalf of the OP No.

2.
2. The petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 498A of the Indian Penal

Code and Sections 3 and 4 of Dowry Prohibition Act.
3. The learned counsel for the petitioner submits that the

petitioner has been falsely implicated in the instant case by the

complainant. It is also submitted that the complainant has performed

her second marriage as specifically pleaded at para-10 of the

anticipatory bail application, and thereafter the petitioner also

performed his second marriage. It is next submitted that the

complainant performed her second marriage, which amply

demonstrates that she never intended to continue the marital relation



with the petitioner.

4. The learned counsel appearing on behalf of the OP No. 2 rebuts the said submission of the learned counsel appearing on behalf of the petitioner, but then submits that she has no instruction on the issue; whether OP No. 2 has performed her second marriage or not.

5. 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 trial court 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 trial court where the case is pending/successor court in connection with Complaint Case No. 2166 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the OP No. 2 would be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if she has not performed her second marriage.

(Satyavrat Verma, J)

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