

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11195 of 2022**

Arising Out of PS. Case No.-1189 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

MD. NAWAB, S/o Md. Irfan R/o- Musapur, P.S.- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahar Bano, W/o Md. Nawab, D/o Md. Rais R/o- Salehpur Maheshpur,
P.S.- Falka, Distt.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 06-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Complaint Case No.1189 of 2019 registered for the
offences punishable under Sections 323 and 498(A) of the
Indian Penal Code.

3. The learned counsel for the petitioner submits that
opposite party no.2, despite receiving notice, chooses not to
appear and contest, on which the learned A.P.P. submits that it
may be a possibility that financial condition of the opposite
party no.2 is such that she may not be in a position to approach
this Court through a learned lawyer. The learned A.P.P. further
submits that from perusal of the pleadings made in the



anticipatory bail application, it would manifest that even petitioner is not maintaining the opposite party no.2, when she is her legally wedded wife, on which the learned counsel for the petitioner submits that a compromise has been entered in between the petitioner and the opposite party no.2 and they have taken a decision to separate from each other amicably, on which the learned Addl. P.P. submits that it absolutely does not stand to reason that how such submission could be made that the marriage has been dissolved based on agreement in between the parties. It is further submitted that marriage cannot be dissolved in the manner as it has been recorded in Annexure-2 to the anticipatory bail application.

4. Considering the submission made by the learned Additional P. P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

5. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Satyavrat Verma, J)

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