

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22377 of 2024

Arising Out of PS. Case No.-2022 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Mumtaz @ Md. Mumtaj @ Mantaj @ Md. Mantaj, S/O- Md. Razzak,
R/O- Gopalpur, Ward No.- 09, P.O.- Parihari, P.S.- Raniganj, Dist.- Araria.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakila Khatoon, W/O- Md. Mumtaz @ Md. Mumtaj @ Mantaj @ Md.
Mantaj R/O- Sri Nagar, P.S.- Sri Nagar, Dist.- Purnea.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 26-10-2024 Heard Mr. Md Fazle Karim, learned counsel for the

petitioner and Mr. Md. Iftekhar Mahmood, learned APP for the

State.

2. The petitioner apprehends his arrest in connection

with Purnia Complaint Case No. 2022 of 2022 registered for the

offences punishable under Sections 498A and 323 of the Indian

Penal Code.

3. The main submissions advanced by learned

counsel for the petitioner are that the marriage in between the

petitioner and the O.P. No. 2 took place in the year 2018 and from

their wedlock, one male child took birth and the allegation of

second marriage of this petitioner with Abrun Khatoon as made by

O.P. No. 2 is completely false and the learned trial court has also



disbelieved the said allegation and has not taken cognizance for the offence under section 494 of IPC and so far as the allegation of cruelty is concerned, the same is also not believable as the O.P. No. 2 resided at her *sasuraal* only for some period. It is further submitted that the petitioner always remained ready to keep his wife (O.P. No. 2) in his company with full dignity and it is the O.P. No. 2 who does not want to live in his company and she has not appeared before this Court despite the notice having been received by her personally.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the facts and circumstances of this case as well as above submissions, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Purnia Complaint Case No. 2022 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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