

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43134 of 2024

Arising Out of PS. Case No.-1648 Year-2021 Thana- COMPLAINT CASE District- Araria

Shifarat S/O Late Md. Jalaluddin resident of village-Dhapi, P.S.- Jokihat,
District-Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Musarrat W/o Shifarat R/o Village- Dhapi, P.S.-Jokihat, District-Araria,
at present, R/o Village- Kakurwa, Ward No.25, P.S.-Araria, district-araria
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mandal, Advocate
For the State	:	Mr. Gauri Shankar Gupta, APP
For the informant	:	Mr. Mukesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner is the husband of O.P. No. 2.

3. The petitioner apprehends arrest in connection with
Complaint Case No. 1648C of 2021 dated 17.11.2021 instituted for
the offence punishable under Section 498(A)/34 of the Indian Penal
Code.

4. At the outset, learned counsel for the informant
submits that the anticipatory bail application of the petitioner
has been rejected on 15.06.2022 by Sessions Judge, Araria.
After two years of the impugned order, the present anticipatory
bail application has been filed before this Court. Learned
counsel for the informant further submits that process under



Section 83 Cr.P.C. has also been issued by Judicial Magistrate against the accused persons including the petitioner on 27.09.2023. It is prayed by the learned counsel for the informant that in such circumstances, the present anticipatory bail application is not maintainable.

5. Since the process under Section 83 Cr.P.C. has been issued against the petitioner, the present anticipatory bail application is not maintainable.

6. Accordingly, this anticipatory bail application is dismissed as not maintainable.

(Khatim Reza, J)

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