

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70692 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- COMPLAINT CASE District- Araria

Md. Mosim Son Of Md. Najabul Resident Of Village- Dumariya, Ward No. 15, P.S.- Narpatganj, Dist.- Araria

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Tammanna Praveen Wife Of Md. Mosim, D/O Of Md. Jabir Resident Of Village- Khabdah, Ward No. 13, P.S.- Narpatganj, District- Araria, Mobile No. 8603422093

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh
For the Opposite Party/s	:	Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-04-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323 and 498(A) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that an application of jointness in compliance of the order dated 11.03.2024 has been filed as the notice on behalf of the O.P. No.2 was received by her father. Since jointness application has been filed, as such, the notice deemed to have been validly served.

4. The learned counsel submits that the petitioner has



been falsely implicated in the instant case by the complainant. It is next submitted that the petitioner is not the husband of the complainant and thus disputes his marriage with the complainant. It is further submitted that this perhaps explains why the O.P. No.2 despite receiving notice validly chooses not to appear and contest. It is further submitted that based on an affidavit sworn before a notary the complainant is claiming to be the legally wedded wife of the petitioner. It is further submitted that Matrimonial Suit No.46/2023 under Section 266 of the Mohammadan Law has been filed before the learned Principal Judge, Family Court, Araria for declaring the marriage as null and void.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Court below 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.206/2023, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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