

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80957 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- BASANTPUR District- Siwan

Nesar Ahmad S/O Late Alim Miyan @ Md. Alim R/O Village- Bajitpur, P.S-
Basantpur (Lakri Nabiganj O.P.), Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Razia Khatoon W/O Nesar Ahmad, D/O Serajuddin Miya R/O Village-
Hussepur Nand, P.S- Basantpur, Distt.- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 120 of 2023
dated 25.03.2023 instituted for the offence punishable under
Sections 323, 341, 498A, 313/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the marriage
of the complainant/informant was solemnized with the
petitioner on 27.10.2019 and since at the time of marriage, the
petitioner along with other accused persons started demanding
five lakh rupees as dowry, but due to non-fulfilment of the same,
they started torturing her in various ways. It is also alleged that



they also aborted her pregnancy.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the complainant is the second wife of the petitioner. Earlier the petitioner was married with complainant's sister, but after her death, he solemnized marriage with the complainant. Learned counsel for the petitioner submits that the petitioner is ready to keep the complainant with full dignity and honour. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Earlier the notices were issued to O.P. No. 2 by both modes, which was received by her, but neither there is any representation on her behalf nor any counter affidavit has been filed in this case.

6. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 120 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of
the learned ACJM-X, Siwan subject to condition as laid down
under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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