

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71659 of 2024

Arising Out of PS. Case No.-1771 Year-2023 Thana- COMPLAINT CASE District- Banka

Md. Koushar @ Md. Kausar Alam, son of Md. Irshad Village- Babura, Ps-
Dhankund (old Ps- Dhoriya), Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nasrin Daughter of Md. Yasin Village- Babura, PO- Makaita, Ps-
Dhankund, Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Jha
For the Opposite Party/s :	Mr. Mritunjay Kumar Nirala
	Mr. Satish Chandra Mishra
	Mr. Md. Nurul Hoda

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-01-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the complainant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 323, 341 and 498A of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the complainant. It is further
asserted and submitted that petitioner is not the husband of
opposite party no.2, but then, was known to her. It is also
submitted that opposite party no.2 was married from before and



from her marriage, she had a child, but then, while instituting the instant complaint, the said important fact was concealed, which amply demonstrates the conduct of the opposite party no.2. It is next submitted that since opposite party no.2 was married from before, where was the occasion for the petitioner to perform *Nikah* with her. The learned counsel next submits that *Nikahnama* is also rebutted. It is further submitted that it becomes easy to implicate someone by filing a complaint case as after filing of the complaint case, two witnesses are required and the learned Magistrate has no option but to take cognizance when witnesses support the case of the complainant. It is also submitted that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

4. Learned A.P.P. and the learned counsel appearing on behalf of the complainant opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that opposite party no.2 was married from before and from the said marriage, she has a child and this fact fact was concealed in the complaint case.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No.1771 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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