

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54737 of 2025

Arising Out of PS. Case No.-423 Year-2022 Thana- COMPLAINT CASE District-
Kishanganj

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Mohammad Hussain @ Mohammad Son of Jalal Malmali @ Jalal Resident of
village - Lohagarha, Ward No.5, P.S. - Kodhobari, District - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Salukha Praveen Wife of Mohammad @ Mohammad Hussain Resident of
village - Lohagarha, Ward No.5, P.S. - Kodhabadi, District - Kishanganj
Presently resident at Vill. - Singhimari, P.S. - Kodhobari, DIst. - Kishanganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 12-05-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 379,
504, 498A of the Indian Penal Code and Sections 3 and 4 of the
D.P. Act.

3. Learned counsel for the petitioner submits that the
case was referred for mediation but then mediation failed,
thereafter an attempt was made to resolve the dispute amicably
as such by order dated 28.04.2026, the petitioner and the O.P.
No.2 were directed to remain physically present before this



Court on 04.05.2026 but then on the said date neither petitioner nor the O.P. No.2 were present, as such one more indulgence were sought, it is next submitted that thereafter the case was fixed for today. It is further submitted that today the petitioner is present but the O.P. No.2 is not present.

4. Learned counsel for the petitioner submits that petitioner is married to Naheda Khatoon and O.P. No.2 was married to Sabir Alam. It is next submitted that neither the petitioner gave divorce to Naheda Khatoon nor O.P. No.2 gave divorce to Sabir Alam but then they performed their marriage as such the marriage itself is void. It is also submitted that petitioner is staying with Naheda Khatoon while O.P. No.2 is staying with Sabir Alam. It is also submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that O.P.No.2 was married to Sabir Alam and they are still in a conjugal relationship and have not divorced each other.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender 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.423/2022, subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Satyavrat Verma, J)

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