

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53144 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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1. Md. Abdulla Sadique @ Md. Abdullah Sadique, son of Amir Hasan, resident of Mohalla- Bhagalpur, Police Station- Piro, in the district of Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabnam Ara, Wife of Md. Abdullah Sadique and daughter of Late Gulab Khan @ Jumrati, resident of Village- Sikrahata Khurd, Police Station- Sikrahata in the district of Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma
For the Opposite Party/s : Mr. Indu Bala Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 24-11-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the informant and earlier petitioner came before this court for grant of anticipatory bail by filing Cr. Misc. No. 50328 of 2014 which was disposed of by a co-ordinate Bench of this court vide order dated 15.12.2014 giving direction to the court below to pass an appropriate order in the light of law as laid down by the Apex Court of this country in the case of Arnesh Kumar vs. State of Bihar and another reported in 2014(3) PLJR 314 (SC). It appears that in pursuant to the above stated direction of this court

petitioner surrendered before the court below and he was granted privilege of bail but subsequently, on 24.06.2015, informant filed a petition for cancellation of bail of the petitioner and the learned Sub Divisional Judicial Magistrate cancelled the bail of the petitioner vide order dated 24.06.2015 without assigning any reason in his order. Moreover, prior to institution of the present case, petitioner had filed suit for restitution of his conjugal rights but could not succeed to get a decree of restitution of his conjugal right and after that he again filed a matrimonial case bearing Matrimonial Case No. 41 of 2014 for declaration that the informant is his divorcee wife.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Ara, Bhojpur in connection with Mahila P.S. Case No. 126 of 2014.

(Hemant Kumar Srivastava, J)

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