

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11816 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -MAHILA PS District- KATIHAR

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1. Md. Matiur Rahman @ Matihur Rahman S/o Late Md. Ismail @ Ismail
resident of village- Ramna Razziganj Churbighat, P.S.- Korha (Rautara),
District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda

For the Opposite Party/s : Mr. Navin Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 30-04-2015 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Katihar Mahila P.S. Case No. 50 of 2014 registered for the
offences punishable under Sections 353, 498A/34 of the Indian
Penal Code.

Petitioner happens to be husband of the informant
and admittedly, the marriage of petitioner was solemnized with the
informant in the year 2004 and after marriage, informant gave



birth to three children. It is also an admitted position that the present case was filed after ten years of the marriage and no specific date of any occurrence has been given in the first information report. The informant has, nowhere, stated in her written report as to when she was driven out from her matrimonial home.

The contention on behalf of the petitioner is that the informant deserted the petitioner in the year 2009 and after that petitioner made several attempts to take the informant back but she did not return to the house of the petitioner and after that petitioner filed a suit for restitution of his conjugal rights in the year 2014. It is further contended by him that after filing of suit for restitution of conjugal rights, the informant has brought this case against the petitioner.

Learned counsel appearing for the informant points out that after rejection of anticipatory bail of the petitioner by the learned Sessions Judge, the petitioner solemnized his second marriage with another woman.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of

this order to the court concerned, shall 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 the Chief Judicial Magistrate, Katihar in Katihar Mahila P.S. Case No. 50 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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