

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11641 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Md. Ekram Son of Md. Nasim @ Md. Nasimuddin @ Md. Ekramul Haque
Resident of Village - Chandheri, P.S. Sabour, District - Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Mussarat Ara wife of Md. Ekram @ Md. Ekramul Haque D/o Md
Gheyasuddin Resident of Banaspatti, P.O. Nandlalpur, P.S. Kahalgaon,
District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 13-08-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner being the husband and facing allegation for offence under sections 498A, 323, 506/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act is ready to keep O.P.No.2 with all respect and dignity but it is O.P.No.2 who does not want to live with the petitioner on account of some past experiences by her, this Court taking into account that the effort of mediation also has failed would direct the petitioner, Md. Ekram, to surrender before the court below on 14th September, 2015 on which day O.P.No.2 shall also appear and if she produces any obscene photographs taken by the petitioner on his mobile and sent to any of his friend and/or produces a copy of the injury report given by the Govt. doctor



showing her to have sustained burn injury, the petitioner shall not be granted bail and would be taken into custody but, on the other hand, if it is found that there is no proof of such obscene photographs of his wife- O.P.No.2 taken by the petitioner and allegedly circulated by him to his friend and/or that there is no relevant injury report of the alleged burn injury, the petitioner shall be granted bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in Kahalgaon P.S.Case No. 36/2015, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

surendra/-

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