

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25085 of 2015

Arising Out of PS.Case No. -557 Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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1. Md. Sahid son of Gulam Mohammad Resident of Village - Suraj Ganj (Naya Bazar) Ward No. 17, Gamhariya, P.S. - Gamhariya, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Parween Begam @ Chunni wife of Md. Sahid, D/o - Abdul Kudus Resident of village - Birpur, Ward No. 7, P.S. Birpur, District - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s Mr. U.L.Verma(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 16.07.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the complainant and it is obvious that marriage of the petitioner with complainant had taken place 18 years ago and after marriage complainant gave birth to two children out of the aforesaid wedlock.

Furthermore, it is obvious from complaint petition itself that the complainant spent near about 8 years happy married life in the house of the petitioner. Moreover, it appears that differences arose between the parties and after that petitioner filed matrimonial case no. 53/2010 in the court of Principal Judge, Family court, Madhepura for restitution of his conjugal rights and the aforesaid case was decreed ex parte on 30.3.2012 but even then matrimonial relation of the parties

could not be restored and thereafter, petitioner filed Divorce suit no. 67/2014 in the court of Family Judge, Madhepura on 7.8.2014 and after filing of the aforesaid divorce suit, present complaint was filed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Birpur at Supaul in Complaint case no. 557/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)

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