

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25856 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -NAUHATTA District- SAHARSA

- =====
1. Md. Hannan son of Late Nasir Ali
 2. Md. Mosim @ Babu son of Md Hannan
 3. Mariam Begam wife of Md. Hannan
 4. Md. Wasim @ Md. Ehsan @ Ehsan son of Md Hannan All Residents of - Butcher Toli, Ward No.11, P.S and District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Nazra Parween Daughter of Md. Tuffail, wife of Md. Wasim @ Ehsan, resident of village and P.S. Nauhatta District Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner nos. 1,2 and 3 being father, brother and mother of the husband of the informant whereas petitioner no. 4 being the husband of the informant are apprehending arrest in a case registered for the offences punishable under sections 498A,494 and 420 of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage by petitioner no. 4.

It is submitted on behalf of the petitioners that the

petitioner no. 4 has not performed second marriage though he had some affair with one Imrana Khatoon but never married with her. Statements to the aforesaid effect have been made in paragraphs 2 and 3 of the supplementary affidavit. However, statement has also been made in paragraph 4 of the supplementary affidavit that the petitioner is ready to keep the informant as wife with due dignity and honour. It is further submitted that the petitioner has also filed restitution case.

It is submitted by learned counsel for the informant that since the petitioner no. 4 has performed second marriage, the question of resuming the conjugal life by the informant does not arise. However, the petitioner no. 4 is ready to pay Rs. 2,000/- per month to the informant from August, 2015 by depositing the same in the bank account of the informant by second week of every month. The learned counsel for the informant submits on instruction that offer of petitioner no. 4 is acceptable to the informant.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on

furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 68 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected that the informant will supply her bank account number to the petitioner no. 4 by filing the same on affidavit before the learned court below.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner no. 4 will give liberty to the complainant to file an application for cancellation of bail of the petitioner no. 4.

Considering the stand of petitioner no. 4 and the informant let petitioner nos. 1, 2 and 3 above named be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction

of learned CJM, Saharsa in connection with the
aforementioned case subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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