

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49895 of 2014

Arising Out of PS.Case No. -20 Year- 2013 Thana -SRI NAGAR District- MADHEPURA

- =====
1. Md. Alamgir, S/o Late Yusuf
 2. Bibi Zarina W/o Md. Alamgir, Both are resident of Village - Puraini, P.S. - Sri Nagar, District - Madhepura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Shri Bam Bahadur Jha, Advocate

For the Opp. Party : Shri Dasrath Mehta, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 02-07-2015

Heard.

It was rightly submitted that the marriage was more than five-year-old and the wedlock had fructified into the birth of a girl child. It appears from the First Information Report that there was initially no demand within those years before the child had been born. The story of demand has been injected suddenly by the informant and that too without specifying any name either in making the demand or committing any act of torture or ill-treatment towards her. The allegation of pouring kerosene oil with the purpose of setting her at fire also does not name anyone in that connection and again the allegation of theft of ornaments also go omnibus.

In the backdrop of the above facts, the prayer for anticipatory bail of the petitioners has been refused by the learned Sessions Judge, Madhepura.

In the opinion of the Court, it was a fit case in which the petitioners must be admitted to bail if they surrender before the court below in connection with Sri Nagar P.S. Case No. 20 of 2013 presently pending before the learned S.D.J.M., Madhepura. Let petitioners as such, surrender and make a prayer for regular bail and the learned court below shall act to admit them to bail to a bond of his satisfaction.

In addition to that, the learned court below shall issue a notice to the wife on address appearing in the First Information Report through the investigating officer of the case fixing a date for her appearance and shall attempt seriously to resolve the dispute between the parties specially because the marriage was more than five-year-old and there was a girl child who could be suffering a lot on account of the estrangement between the spouses. In case the lady appears not willing to go, the court below shall finally confirm the prayer for bail of the petitioners.

With the above directions, this petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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