

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45617 of 2012

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Taha Hussain son of Late Tahir Hussain Resident of Village - Shyampur,
Police Station - Palasi, District – Araria.

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Sahnaz Begum, D/o Afzal Hussain at present R/o Village-
Manikpur, P.S.- Araria, District- Araria.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate
For the State : Mr. Sanjay Kumar Sharma, A.P.P.
For Opposite Party No.2 : Mr. Sanjeev Verma, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

20 20-05-2015

Heard learned counsel for the petitioner, the State
as well as the opposite party no.2.

Petitioner apprehends his arrest in a complaint case
filed under Section 498A of the Indian Penal Code.

The matter was earlier heard and notices were
issued upon the opposite party no.2 in response to which she had
appeared through her counsel. However, the effort of
rapprochement could not bear any fruit.

The petitioner claims that the father of the
petitioner had earlier instituted a Complaint Case No.3825C of
2010 in which the opposite party no.2, her father and other family
members were made accused alleging that though, in the facts and



circumstances, he had already divorced his wife Shahnaz Begum but still they had invaded the house of the petitioner and took out furnitures and other utensils, cash and jewelry on a tractor and also assaulted the members of the petitioner's family. It has been contended that the complaint case was filed on 2nd December, 2010 and, thereafter, in retaliation thereof, the opposite party no.2 has filed the Complaint Case No.427C of 2012 against the petitioner and his family members on 22.2.2012. It has further been contended that in the case filed by the father of the petitioner, cognizance has been taken vide order dated 28.05.2011 by the Judicial Magistrate Ist Class, Araria under Sections 147, 323, 384, 380, 448/34 of the Indian Penal Code.

The issue as to whether the divorce was actually in accordance with law or not and for what amount of maintenance or alimony etc., the opposite party no.2 would be entitled, are to be decided in an appropriate proceeding by a competent court as and when such situation would arise.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of eight weeks from today in complaint case no.427C of 2012, the above named petitioner, Taha Hussain shall be released on anticipatory bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees)

with two sureties of the like amount each to the satisfaction of
S.D.J.M., Araria, subject to the conditions as laid down under sub-
section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

N.H./-/ Sanjay II

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