

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32352 of 2014

Arising Out of PS.Case No. -4108 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

1. Md. Jabir Alam Son of Late Shah Islam

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Afsana Khatoon W/o Md. Jabir Alam.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the State : Mr. Upendra Kr. (APP)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

5 27-03-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. 4108 of 2013 in which cognizance has been taken for the offence punishable under Section 498 A of the Indian Penal Code.

Petitioner happens to be husband of the opposite party no. 2 (complainant) and it appears from submissions of the parties that there is no scope of reconciliation between the

parties as the complainant is not ready to lead her conjugal life with the petitioner on any terms and conditions.

It is informed on behalf of the parties that petitioner has already filed Title Suit No. 242 of 2014 in the court of Principal Judge, Family Court, Purnia for a decree of restitution of his conjugal right and similarly, the complainant has filed a case for grant of custody of her child.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is needless to send the petitioner in jail custody and accordingly, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. Singh, Judicial Magistrate, Araria in Complaint Case No. 4108 of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

However, the learned Principal Judge, Family Court, Purnia shall dispose of Title Suit No. 242 of 2014 as well as case of custody of child of the complainant expeditiously and if in the above stated cases, the parties make any prayer for one

time settlement, the Principal Judge, Family Court, Purnia shall
take efforts to patch up the dispute of the parties by way of one
time settlement.

(Hemant Kumar Srivastava, J)

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