

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16870 of 2015

Arising Out of PS.Case No. -1138 Year- 2013 Thana -COMPLAINT CASE District- SUPAUL

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1. Md. Parwez Son of Md. Kalamuddin Resident of Manahi Punarwas,
Ward No. 16, P.S. & District – Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pharida Begum Wife of Md. Parwez, Daughter of Late Md. Hassan
Resident of & P.O. Triveniganj, District – Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mr. Pronoti Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 03-07-2015 Heard the Counsel for the petitioner and the APP for
the State.

The husband is the petitioner and accused of
Complaint Case No. 1138C of 2013 registered under Section
498A IPC. Notice was issued to O.P. No. 2 but no one has
appeared on her behalf.

The allegation is that the husband married her six
years ago. Thereafter they were blessed with one child. Two years
after the marriage, her husband started torturing and thereafter she
was ousted from the matrimonial home after robbing all her
belongings.

Counsel for the petitioner states that in fact marriage
was solemnized 11 years ago. She could not get any baby

whereafter with her consent, he married again. However, after the second marriage, she was blessed with a child. He is ready to resolve the matrimonial discord and live with her as husband and wife peacefully and happily. He is even ready to support her and the baby.

Considering the aforesaid fact, I direct that in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Supaul in Complaint Case No. 1138C of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bonds, the petitioner shall produce

demand draft favouring the complainant in the sum of Rs. 3,000/- for immediate maintenance of her minor child who is with the complainant. The petitioner may also deposit the said amount in the Nazarat and produce a receipt thereof. In that case, the complainant will be entitled to withdraw the same.

(Kishore Kumar Mandal, J)

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