

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37862 of 2015

Arising Out of PS.Case No. -284 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

- =====
1. Samim Son of Late Ismail
 2. Akhlaque @ Akeel Son of Samim
 3. Ahsan Ahmad Son of Samim
 4. Noor Jahan Khatoon Wife of Samim
 5. Shabnam Khatoon Daughter of Samim All Resident of village - Kurwa Dilip Nagar, P.S. Kasya, District - Khushi Nagar (U.P.)
 6. Kasim Ali @ Kasim Son of Ismail
 7. Mairun Wife of Kasim Ali Both Resident of village - Hatimpur, P.S. Rampur Karkhana, District - Deoria (U.P.)
 8. Azaz Ahmad Son of Mahmood Resident of village - Dharmi Chapar, P.S. Kuver Asthan, District - Khushi Nagar (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Rehana Khatoon Wife of Ahsan Ahmad, Daughter of Munir Ahmad Resident of village - Bharpatia, P.S. Patherwa, District - Khushi Nagar (U.P.)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Smt. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 30-11-2015

Heard learned counsels for the petitioners and
the State.

The petitioner no. 3 being the husband of the complainant and petitioner nos. 1, 2 and 4 to 8 being the relatives of petitioner no. 3 are apprehending their arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable

under Sections 323, 307 and 120B of the Indian Penal Code.

The accusation against the petitioners is of trying to throttle the complainant by putting Dupatta around the neck.

It is submitted by learned counsel for the petitioners that petitioner no. 3 is still ready to keep the complainant as wife and admits his marriage with the complainant and birth of a male child.

The petitioner no. 3 and complainant are present in the Court.

Counsel for the complainant submits that the complainant is not ready to accept the offer of petitioner no. 3 due to his past conduct and he has not making monthly payment as directed in a Domestic Violence Case by the learned court below.

However, it is controverted by the petitioner that the petitioner is making payment. The petitioner no. 3 has also filed Misc. Case No. 10 of 2013 for restitution of conjugal rights in Family Court, Saket, New Delhi and complainant has filed maintenance case.

Considering the nature of dispute and there being no injury report on the record, let the above named





petitioners be released on anticipatory bail in the event of their 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 Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 284 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of petitioner no. 3 will be accepted by the learned court below on submission of the proof that he has made up date payment as directed by the learned court below in a Domestic Violence Case.

(Dinesh Kumar Singh, J.)

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