

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33172 of 2015**

Arising Out of PS.Case No. -4419 Year- 2014 Thana -PURNIA COMPLAINT CASE  
District- PURNIA

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Md. Akbar, Son of Late Iddu, resident of Line Bazar, Police Station -K. Hat, ( Saheyak ) in the district of Purnea

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Munni Khatun, W/o Md. Akbar, Resident of Milki, P.S- K. Hat (Maranga ), District - Purnia

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Raj Kumar, Advocate  
For the S t a t e : Dr. Rabindra Kumar(APP)  
For O.P. No.2 : Mr. Sunil Kumar Thakur, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

4      15-12-2015                      Heard learned counsel for the petitioner and the learned counsel appearing on behalf of O.P. No.2 as well as the learned counsel for the State.

The petitioner and the O.P. No.2 are present in Chambers today.

Learned counsel for the petitioner submits that the petitioner has extended an offer of keeping the O.P. No.2 and her children. However, O.P. No.2 has categorically stated that since the petitioner had married twice over and above herself, she is not in a position to go back and live with her husband. She, however, submits that she may be taken care of in her

maternal home. The petitioner, however, submits that O.P. No.2 has always left her matrimonial home and it was at her instance that he remarried her own sister since she could not bear any further child. He also submits that come what may, he is willing and ready to keep her.

Having actively interacted with O.P.No.2, this Court feels that she is quite recalcitrant and does not go back to her husband for the reasons best known to herself and is more interested in taking money from him; rather than resuming her matrimonial life.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Gautam Yadav, Judicial Magistrate, 2<sup>nd</sup> Class, Purnia, in connection with Complaint Case No.4419 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjana Mishra, J)**

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