

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38596 of 2014

Arising Out of PS.Case No. -2024 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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Md. Jamshed Alam son of Md. Rahim, resident of village-Bounsi, Police Station-Bounsi, District-Araria.

.... Petitioner/s

Versus

1. State of Bihar.
2. Bibi Firdos Khatoon, daughter of Akhtar Hussain, wife of Md. Jamshed Alam, resident of Village-Bounsi, Police Station-Bounsi, District-Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate
For the Opposite Party No.1 : Mr. Binod Kumar No. 2, APP
For the Opposite Party No.2 : Mr. Naushaduzzeha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 14-01-2015 The petitioner is being tried for the offence punishable under Section 498A of the Indian Penal Code on the basis of complaint submitted by his wife. He is a Muslim and he states that though he was married to the complainant, he gave ‘Talak’ to her.

The petitioner moved the Court of 1st Additional Sessions Judge, Araria for bail by filing B.P. No.602 of 2014. The trial Court dismissed the same on 27.08.2014. Hence, this application under Section 439 of the Code of Criminal Procedure.

Heard Sri Sudish Kumar, learned counsel for the petitioner, Sri Binod Kumar, learned A.P.P. for the State-

opposite party no.1 and Sri Md. Naushaduzzaha, learned counsel for the complainant-opposite party no.2.

There is a serious dispute as to the very subsistence of relationship of husband and wife between the petitioner and the complainant. The same needs to be decided at the trial. Under the circumstances, it is not at all advisable to keep the petitioner in jail.

Hence, this application is allowed. The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria in connection with Case No.2024-C of 2013.

(L. Narasimha Reddy, CJ)

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