

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57404 of 2015

Arising Out of PS.Case No. -120 Year- 2008 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Nabi Rasul, Son of Khalil Hasmi, Resident of Village- Kochas, Police Station- Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Nasima Khatoon, wife of Nazi Rasul, Daughter of Sahabuddin, Resident of Village and Police Station- Kochas, District- Rohtas presently resides at Mohall- Hasmi Mohalla Nokha, Police Station Nokha, District- Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhakar Jha

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

2 22-12-2015 This is an application for bail on behalf of the petitioner who is the husband of the complainant and he has been prosecuted for offence under Section 498A and other Sections of the Indian Penal Code. The petitioner has been in custody for over two months.

Learned counsel for the petitioner has drawn attention of the Court that the complaint was filed in the year 2008 and compromise was also entered in the year 2011. The marriage had taken place about 10 years prior to the lodging of the complaint. The two have been living separately for now almost 7-8 years. Whatever little chance of re-conciliation existed, the learned 3rd

Additional Sessions Judge, Rohtas has ensured his failure by rejecting the bail application of the petitioner. The allegations in such complainants are to be established by evidence in course of a trial thereafter. If a person is found guilty, he may be punished for the offence but provisions should not be of use as it was peremptory punishment even before trial.

Be that as it may, let the petitioner above named, 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 learned Sub-Divisional Judicial Magistrate, Sasaram in connection with Complaint Case No. 120 of 2008.

(Navaniti Prasad Singh, J)

Saif/-

U		T	
---	--	---	--