

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10846 of 2015

Arising Out of PS.Case No. -317 Year- 2014 Thana -SABAUR District- BHAGALPUR

- =====
1. Md. Saimood @ Md. Samiuddine son of Md. Jakruddine
 2. Md. Gaffar son of Md. Jakruddine
 3. Md. Kakruddine son of Md. Labav All resident of Village Rajpur, P.S. Sabour, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nargis Khatoon, D/o Md. Salim, Resident of Village and P.O. – Khanpur, P.S. Pirpaiti, District – Bhagalpur.

.... Opposite Party/s

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With

Criminal Miscellaneous No.17124 of 2015

Arising Out of PS.Case No. -317 Year- 2014 Thana -SABAUR District- BHAGALPUR

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Md. Sallauddin son of Md. Jakruddin resident of Village - Rajpura, P.S. - Sabour, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nargis Khatoon, D/o Md. Salim, Resident of Village and P.O. – Khanpur, P.S. Pirpaiti, District – Bhagalpur.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.10846 of 2015)

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Jitendra Kumar Rai 1 (App)

(In Cr.Misc. No.17124 of 2015)

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 28-09-2015

Heard learned counsels for the petitioners and the State.

The petitioners being the husband, father-in-law

and brothers-in-law of the informant are apprehending his arrest in a case registered for the offences punishable under Section 323, 341, 498A, 494/34 and 376/511 of the Indian Penal Code.

The basic accusation is of inflicting torture by the husband Md. Saimood @ Md. Samiuddine and performing second whereas it is alleged against Md. Sallauddin that he attempted to ravish the informant.

It is submitted by learned counsel for the petitioners that the issue has been resolved between the parties and the informant has decided to resume the conjugal life.

The petitioner-husband and the informant are present.

The counsel for the informant Mr. Vinay Kuamr submits that both the parties have resolved the issue and informant has accepted the offer of the petitioner-husband of resuming conjugal life. The informant is not inclined to press the accusation against the brother-in-law Md. Sallauddin.

The informant is ready to go to her matrimonial house from the Court itself. The offer of the informant is accepted by the petitioner-husband. It is expected from the petitioner-husband to take the informant from the Court itself to keep her as wife with dignity and honour.



Considering the present stand of the parties, let the above named petitioner-husband, namely, Md. Saimood @ Md. Samiuddine be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 317 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner Md. Saimood @ Md. Samiuddine will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

Considering the stand of the petitioner-husband and the informant, let the above named other petitioners be released 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the

satisfaction of learned Sub-divisional Judicial Magistrate,
Bhagalpur in connection with Sabour P.S. Case No. 317 of 2014,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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