

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37427 of 2014

Arising Out of PS.Case No. -500 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Abdul Salam Son of Rasool Mian R/o village Auraiya, P.S.Dhaka,
District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Zulekha Khatoon D/o Late Sadeeqe Mia and wife of Noor Mohammed
R/o village Auraiya, P.S.Dhaka, District East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 09-07-2015 Opposite party no. 2 herein filed a complaint before the Subdivisional Judicial Magistrate, Sikarhana, East Champaran, Motihari, alleging that about two years before the date of filing of the complaint, she was proceeding to her father's place after quarreling with her husband, and on the way the petitioner herein persuaded to live with him, assuring that he would look after her well. Believing his word, opposite party no.2 started living with the petitioner, and even has provided cash and sold her property at his instance. Later, the petitioner neglected her, and then she filed Complaint Case No. 500 of 2012, wherein offences referable to sections 323, 504, 420, 424, 493, 496 and 497 of the Indian Penal Code are alleged.

Apprehending his arrest, the petitioner filed A.B.P. No. 1809/13 in the court of District and Sessions Judge, East Champaran, Motihari. The same was rejected on 26-4-2014. Hence, this application is filed before this Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Even if one goes by the contents of the complaint, it becomes , prima facie, evident that the so called living of the complainant with the petitioner was on her own accord, and not out of compulsion or coercion. The allegations which are a bit vague and coming from a person, who does not have any regard for her marriage with another person, need to be taken with a bit of care and caution. In matters of such nature it is not necessary that the accused must be arrested.

Hence, it is directed that in the event of arrest, the petitioner above named shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Sikrahana at Motihari, East Champaran, in connection with Complaint Case No. 500/2012, subject to the conditions as laid down under section 438(2) Cr.P.C.

(L. Narasimha Reddy,CJ)

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