

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46908 of 2014

Arising Out of PS.Case No. -127 Year- 2009 Thana -COMPLAINT CASE District- SUPAUL

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1. Lutan Khan @ Shaukat Khan S/o Late Shaukat Khan
2. Bibi Lukri W/o Bacho Khan @ Sharafat Khan Both are Resident of Village Saurajan, P.S. Raghopur, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Sahnaj W/o Lutan Khan @ Shaukat Khan Resident of Village Harirpatti, P.S. Pipra, District Supaul.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offence punishable under Section-498A of the Indian Penal Code and the fact that the petitioner no. 1, Lutan Khan is the husband and petitioner no. 2, Bibi Lukri is the Sister-in-law and the marriage of the complainant Opposite Party No. 2 with petitioner no. 1, had taken place some 35 years back, this Court by taking into account that petitioner no. 1 is physically challenged person would direct him and petitioner no. 2 to surrender within a period of four weeks from today before the Court below and if the



petitioner no. 1, gives a written undertaking to maintain his wife and is ready to keep her with due care and dignity, he (petitioner no. 1) namely, **Lutan Khan and petitioner no. 2, Bibi Lukri** shall be granted bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Judicial Magistrate, 1st Class, Supaul** in connection with **Complaint Case No. 127C of 2009** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) Such bail shall continue only till there is no further allegation from Opposite Party No. 2 as with regard to any ill treatment or misbehaviour either by the petitioners or any other family member of the petitioners. The moment there would be any fresh allegation by the Opposite Party No. 2, against the petitioners and his family members, the Court below will take steps for cancellation of their bail.

(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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