

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14697 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -KEOTI District- DARBHANGA

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1. Md. Mojahid Son of Late Md. Soaib Resident of village - Koila Asthan,
P.S. Keoti, Distt. - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabiya Khatoon, W/o Md. Majahid, C/o Md. Hasan Jaan, V.P.O.- Khiri,
P.S.- Visfi, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-05-2016 Petitioner with two children and informant are present.

Heard learned counsel for the petitioner and the State.

Petitioner being the husband of the informant is languishing in custody since 06.02.2016 in a case registered for the offences punishable under Sections 341, 323, 324, 498A, 307, 504, 506 of the Indian Penal Code.

The basic accusation is of torture and inflicting knife injury to the informant in the background of dispute that the petitioner having illicit relationship with another girl.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the



informant and birth of two female children. For the occurrence of 03.10.2015 the fardbeyan was recorded on 05.10.2015 and ultimately police case was registered on 16.10.2015. Though the informant was medically examined on 20.11.2015. It is further submitted that the petitioner is still ready to keep the informant and children as wife with full dignity and honour. Statement to that effect has not been made in the petition. It is also submitted that petitioner is filing affidavit to that effect today itself. The children are still residing with the petitioner. The petitioner was provisionally released by this Court vide order dated 06.04.2016 for a period of one month. The Investigating Agency was directed to conclude the investigation in the meantime, but there is no report of Investigating Agency.

Learned A.P.P. submits that he has no instruction that Investigating Agency has concluded the investigation.

It is submitted by the learned counsel for the informant that the nature of injury inflicted by the petitioner the informant is not ready to accept the offer of resuming the conjugal rights, but admits that both the children are residing with the petitioner.

Considering the fact that petitioner remains in custody for two months and keeping in view of the well being of the two minor children aged about seven years and three

years, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Keoti P.S. Case No. 123 of 2015.

Let the provisional bail granted to the petitioner is hereby confirmed.

(Dinesh Kumar Singh, J)

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