

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35818 of 2015

Arising Out of PS.Case No. -361 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

MD. ESAMUL HAQUE KHAN @ MD.ESANUEL HAQ KHAN Son of
Late Ahmad Khan, Resident of village- Milki, P.S.- Piro, District- Bhojpur,
presently resident of village- Rani Sagar, P.S. Shahpur, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Afsari Khatoon, wife of Md. Esamul Haque Khan, Daughter of Md.
Akbar Khan, Resident of village- Jorawarpur, P.S.- Karakat (Gorari),
District- Rohtas

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Binod Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 23-02-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under

Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture after 19 years of the marriage.

It is submitted by learned counsel for the petitioner that the complainant herself deserted the petitioner and petitioner has filed Matrimonial Suit No. 221 of 2014, though, after filing of the present case but before the order of cognizance.

The notices were issued to the complainant vide order dated 25.08.2015. The office note dated 06.01.2016 reflects that notices were validly served on opposite party no. 2 but since none appeared on 11.01.2016 the matter was adjourned. Today also none is appearing on behalf of opposite party no. 2.

Considering the nature of accusation, filing of the matrimonial suit also and above all in spite of valid service of notice the opposite party no. 2 chose not to appear, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate, Bikramganj, Rohtas in connection with Complaint
Case No. 361 of 2014, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J.)

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