

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31350 of 2014

Arising Out of PS.Case No. -2673 Year- 2009 Thana -COMPLAINT CASE District- ARRARIA

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Md. Ibran S/o Late Ismail Resident of Village - Mohania, P.S. Plasi, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Shakila, W/o Md. Ibran, D/o Md. Naimuddin, Resident of Village- Rajganj, P.S.-Narpatganj, District-Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-06-2016

Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2 (complainant).

Pursuant to order dated 22.06.2016, a supplementary affidavit has been filed on behalf of the petitioner annexing copy of the sale deed by which he has transferred 60 decimals of lands (one and a half Bighas) in favour of the complainant (opposite party no. 2) and her son namely, Md. Zakran vide sale deed No. 4584 dated 22.09.2011 of Khata No. 275, Khesra Nos. 1926, 1924 and Khata No. 273, Khesra No. 1925 and also given possession to her. Learned counsel appearing for the opposite party no. 2 does not dispute the position. It has further been stated in the supplementary affidavit that

the opposite party no. 2 has taken '*Khula*' and has solemnized second marriage with another person in November, 2014 and is living with him. The said fact has also not been disputed by learned counsel appearing on behalf of opposite party no. 2.

Learned counsel for the petitioner further gives an assurance that the petitioner shall not disturb or cause any hindrance in the opposite party no. 2 and her son enjoying the right, title and possession of the 60 decimals of lands transferred to them by the petitioner and shall also not cause any impediment in the same. It is also assured that the opposite party no. 2 and her son shall be free to deal with the land in question as per their desire. It is submitted that this arrangement shall not come in the way of the petitioner's son, Md. Zakran, getting his share in the petitioner's assets.

Learned counsel for the opposite party no. 2 has also assured the Court that the land in question is basically for the son, Md. Zakran, and that she shall not use the benefit derived out of the said land either by way of lease or alienation except for the benefit of the son Md. Zakran.

In view of the agreement between the parties and the complaint case being under Section 498A of the Indian Penal Code, let the 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 the learned S.D.J.M., Araria, District-Araria in
Complaint Case No. 2673 of 2009.

The application stands disposed off in the aforesaid
terms.

(Ahsanuddin Amanullah, J)

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