

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6500 of 2016

Arising Out of PS.Case No. -37 Year- 2015 Thana -MAHILA PS District- BUXAR

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1. Kalimullah Khan @ Kalimulla Khan @ Md. Kalimullah Khan Son of
Karimullah Khan, resident of village- Usiya, P.S.- Dildar Nagar,
District- Gazipur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-03-2016

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 509, 354, 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant but claims to have divorced the informant as per muslim rituals.

It is submitted by learned counsel for the informant that informant denies the factum of Talak and she is ready to reside with the petitioner.

Considering the fact that factum of Talak is in dispute, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12

weeks from today, be released on provisional anticipatory bail for three months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar(Mahila) P.S. Case No. 37 of 2015, G.R.No. 2967 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below verify the factum of Talak and if learned Court below comes to the conclusion that Talak has been effectively made then provisional bail of the petitioner will be confirmed. However, if the learned Court below comes to the conclusion otherwise, then petitioner will surrender and pray for regular bail. The provisional bail of the petitioner will also not be confirmed, if petitioner fails to cooperate in the enquiry.

(Dinesh Kumar Singh, J)

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