

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21181 of 2016

Arising Out of PS.Case No. -47 Year- 2014 Thana -BUXAR COMPLAINT CASE District- BUXAR

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1. Shekh Jamaluddin @ Jamaluddin S/o late Shekh Jalaluddin Resident of Village - Naya Bhojpur, Police station -Naya Bhojpur District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asmin Khatun wife of Shekh Jamaluddin @Hamaluddin and Daughter of Shakh Kamruddin Resident of Village Mathila, Police Station Koran Sarai, District Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey
For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-05-2016 Petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but petitioner claims to have given Talaq to the complainant as per muslim rituals. Though this plea was taken before learned Court below but the response of the complainant has not been recorded by the learned Sessions Judge.

In view of the above, 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 anticipatory bail for six 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 Complaint Case No. 47© of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below decide the issue of Talaq and if it is found that petitioner has given Talaq then provisional bail of the petitioner will be confirmed, but if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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