

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23345 of 2016

Arising Out of PS.Case No. -48 Year- 2013 Thana -MAHILA P.S. District- BHOJPUR

Sahabudin Ansari S/o Teju Mohamad @ Bodha Miyan R/o village - Hat Pokhar, P.S. Jagdishpur, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Saboran Khatun W/o Sahabudin Ansari, D/o Hasim Miya village - Hatpokhar, P.S. Jagdishpur, District - Bhojpur At Present vill. - Hadiyabad, P.S. Ayar, Distt. - Bhojpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 21-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 497, 379, 323 and 504/34 of the Indian Penal Code.

The basis accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. The petitioner was granted provisional

anticipatory bail vide order dated 05.09.2013 passed in A.B.P. No. 1129 of 2013 by learned Sessions Judge, Bhojpur at Ara. Consequent to the grant of provisional anticipatory bail the petitioner furnished bail bond but ultimately the anticipatory bail was rejected by learned Sessions Judge vide order dated 22.10.2013.

In view of the ratio laid down in the case of Bishundeo Sahu Vs. State of Bihar, reported in 2011(1) PLJR, 731 since the petitioner furnished bail bond he is in deemed custody of the court. Hence, the present anticipatory bail application is not maintainable.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Mahila P.S. Case No. 48 of 2013 pending in the court of learned Chief Judicial Magistrate, Bhojpur at Ara.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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