

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38915 of 2015

Arising Out of PS.Case No. -449 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Khursheed Alam S/o Md. Mahrul Abdul Resident of Village
Manohari, P.S. Barsoi, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Noorgeba Khatoon W/o Md. Khursheed Alam, D/o Md. Razul R/o
Manohari, P.s. Barsoi, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Ashraf Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-02-2016

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.

The petitioner and the complainant are
present.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
complainant and birth of two children but it is the complainant
who deserted the petitioner and therefore the petitioner
divorced the complainant as per muslim rite.

Learned counsel for the complainant submits

that complainant disputes the factum of divorce and now the petitioner has performed second marriage. Though complainant is still ready to resume the conjugal life but petitioner is not ready to resume the conjugal life.

In the circumstance, let learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 449 of 2013, pending in the Court of learned Chief Judicial Magistrate, Katihar.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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