

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38976 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Shams Nawaz Akhtar @ Shams Nawaz @ Pappu, Son of SK Hanif, aged
about 30 Years, resident of Mohalla- Balua Tal, P.S.- Town Motihari,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruksar Pravin Wife of Shams Nawaz Akhter @ Shams Nawaz @ Pappu
D/o Md. Ali Hasnain, resident of Mohalla- Raghunathpur Chamregodam,
P.S.- Turkauliya, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar
For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 24-10-2016 Heard learned counsels for the petitioner and

the State.

The petitioner being husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341,323,504,406 and 498A/34
of the Indian Penal Code and sections 3 and 4 of Dowry
Prohibition Act.

It is submitted by the learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and birth of male child. Though the petitioner
has not performed second marriage, he is not ready to

keep the informant as wife but he is ready to keep his son with him. Statements to that effect have been made in paragraphs 2 to 4 of the supplementary affidavit which read as follows:

“That it is relevant to mention here that the petitioner has not solemnized another marriage, and has no any other spouse except opposite party no.2

That the petitioner is ready keep the only son born from the wedlock of the petitioner and opposite party no.2.

That the petitioner is not in a position to live with his wife (opposite party no.2) as she is adamant to vitiate the life of the petitioner and his family.”

Learned counsel for the informant submits that the informant is ready to resume the conjugal life.

Considering the fact that the issue is not likely to be resolved at present, let the learned court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Mahila P.S. Case No. 37 of 2016 pending in the court of learned S.D.J.M. Sadar Motihari, East Champaran.



This application is disposed of with the
aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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