

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58116 of 2015

Arising Out of PS.Case No. -536 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

1Mostakim Mian son of Jainul Mansoori @ Jainul Mian, resident of village-
Sejauna, P.S. Bairganiya District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rukshana Khatoon wife of Mostakim Mian D/o Ahmad Mansoori,
resident of Village- Laxminiya, P.S. Gaurh, District- Rauthat, (Nepal).

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Durgesh Nandan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 18-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant in the year 1998 but the petitioner claims to have given Talak to the complainant as per Muslim rites on 18.03.2000.

Notices were issued to the complainant-opposite party no. 2 vide order dated 04.01.2016. The office note dated 28.04.2016 reflects that ordinary process of notice has been served to the counsel appearing on behalf of the complainant before the learned court below, but none is appearing on behalf of opposite party no. 2 leading to the adjournment of the matter on 29.04.2016. Thereafter, vide order dated 25.07.2016 the notices issued to the complainant-opposite party no. 2 were treated to be deemed valid service and the matter adjourned for today as last indulgence. Today also none is appearing on behalf of opposite party no. 2.

Considering the fact that the matter being adjourned since 04.01.2016 and the nature of accusation, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial

Magistrate, Sadar, Sitamarhi in connection with Complaint Case
No. C-1/536 of 2013, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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