

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8306 of 2016

Arising Out of PS.Case No. -21 Year- 2014 Thana -SIRDALA District- NAWADA

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Safikan Khatoon @ Safina Khatoon

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Narsing Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being mother of the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 494, 323, 379/34 of the Indian Penal Code.

Accusation is of torture, making assault and performing second marriage.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the husband of the informant, who has already filed Matrimonial Suit No.222/2013 for restitution of conjugal rights and the husband of the informant is

still ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph 10 of the petition, which reads as follows :-

"... he is ready to keep her as wife with full honour and dignity."

It is further submitted that the petitioner is ready to allow the informant to enjoy her share of property in the matrimonial house.

Considering the thrust of accusation against the husband of the informant and the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Nawada in connection with Sirdalla P.S. Case No.21/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing of affidavit to the effect that she will not interfere into the conjugal life of the informant and will

allow the informant to enjoy her share of property in matrimonial house. It is expected from the learned Court below to get the said affidavit transmitted to the SHO of concerned police station.

Ashwini/-

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(Dinesh Kumar Singh, J)