

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35129 of 2011

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Shagufta Nasreen W/O Nooruzzama @ Noorzama, D/O Md. Maruf Ahmad
R/O Village - Khetalpur, P.S. Aurai, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Nooruzzama @ Noorzama S/O Late Md. Qaruzzama R/O Village -
Saghari (Rampur), P.S. Aurai, Distt. Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi

For the Opposite Party/s : Mr. Ashok Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

08/ 21-09-2016

The present application has been filed for

cancellation of bail of opposite party no. 2 Md. Nooruzzama @
Noorzama, who being husband of the petitioner-informant was
granted bail vide order dated 03.02.2011 passed in Cr. Misc. No.
618 of 2011 in connection with Aurai P.S. Case No. 19 of 2009
registered under Sections 498A, 323/34 of the Indian Penal Code
and section 3/4 of the Dowry Prohibition Act, pending in the court
of learned Sub-divisional Judicial Magistrate, East, Muzaffarpur.

The opposite party no. 2 was granted bail on
the undertaking that he is ready to keep the petitioner-informnat as
wife with full dignity and honour. The offer of opposite party no.
2 was accepted by the petitioner when opposite party no. 2
undertook to go to the petitioner's house within a period of two
weeks and take back the petitioner-informant to her matrimonial

house when the petitioner-informant will give due respect to opposite party no. 2.

It is submitted by learned counsel for the petitioner that the opposite party no. 2 never took the petitioner from her parents' house rather opposite party no. 2 took the petitioner from the court and after sometime he again started inflicting torture and now performed second marriage.

Considering the fact that opposite party no. 2 was granted bail vide order dated 03.02.2011, moreover, on subsequent development with regard to factum of second marriage, this Court is not inclined to cancel the bail of opposite party no. 2.

It is expected from the learned court below to conclude the trial expeditiously preferably within a period of nine months. If opposite party no. 2 Md. Nooruzzma @ Noorzama defaults for three consecutive occasions then the learned court below will be at liberty to cancel the bail bonds of opposite party no.2.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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