

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3104 of 2016

Arising Out of PS.Case No. -514 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Barkat Ali son of Md. Khalikur Rahman resident of Mohalla Santoshi Colony, Katihar, P.S. Katihar, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.55182 of 2015

Arising Out of PS.Case No. -514 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Shahnaz Begum @ Shahnaz Khatoon @ Shahnawaz Khatoon Wife of Md. Abdul Rab, Resident of Village- Mirpara, P.S.- Harish Chandarpur, District- Maldah (West Bengal)

2. Sogra Khatoon Wife of Khalilur Rahman

3. Khalilur Rahman Son of Late Niyas Haji Both resident of village- Harish Chandarpur, P.S.- Harish Chandarpur, District Maldah (W.B.)

4. Sakira Khatoon @ Sakera Begum Wife of Sk. Ishaque, resident of Village- Kumaripur, P.S.- Manihari, District- Katihar.

5. Sahjadi Khatoon, Wife of Nisar Alam,

6. Nisar @ Nisar Alam Son of Fakir Mohammad Both 5 and 6 are resident of Village- Naya Tola, P.S.- Amdabad, District- Katihar.

7. Najmin @ Najmin Khatoon Wife of Md. Barkat Ali, resident of Mohalla- Santoshi Colony, P.S.- Katihar Town, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.3104 of 2016)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. A.K.Choudhary(App)

(In Cr.Misc. No.55182 of 2015)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 05-09-2016 Heard learned counsels for the petitioners and the State.

The petitioner of Cr. Misc. No. 3104 of 2016 being the husband of the informant and petitioners of Cr. Misc. No. 55182 of 2015 being sisters, mother and second wife of the husband of the informant are apprehending arrest in a case registered for the offence punishable under Sections 498A,328 and 307/34 of the Indian Penal Code.

The basic accusation is of torture and taking attempt on the life of the informant by administering poison.

It is submitted by learned counsel for the petitioners that though petitioner Barkat Ali has performed second marriage but admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no.9 of the petition which reads as follows:

“ That it is humbly stated and submitted that the petitioner is ready to keep the informant with full love, dignity and honour which she deserves.”

It is further submitted that the issue has been resolved between the parties and a compromise petition has been filed before the learned court below. The same has been brought on

record by way of supplementary affidavit.

Considering the present stand of the petitioner Barkat Ali, he is directed to be released on provisional anticipatory bail for three months in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Katihar in connection with Katihar (Nagar) P.S. Case No.514 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant and on her appearance the petitioner Barkat Ali will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner Barkat Ali will be confirmed by the learned court below on acceptance of the terms of compromise by the parties.

Considering the stand of informant's husband, let the above named petitioners of Cr. Misc. No. 55182 of 2015 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with

two sureties of the like amount each to the satisfaction of learned
CJM, Katihar in connection with the aforementioned case subject
to the conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)

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