

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8458 of 2016

Arising Out of PS.Case No. -150 Year- 2015 Thana -MUSRIGHARARI District- SAMASTIPUR

Faiyazullah Faiz, Son of Lte Hamair Alwi, Resident of village – Prem
Jeewar, Police Station – Bahadurpur, District – Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rashada Khatoon wife of Faiyazullah Faiz, Daughter of Md. Monajarul
Haq, at present resident of village and post office – B/Elauth, P.S. –
Musarigharari, District – Samastipur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 04-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 341, 323, 379, 498A, 504,
506/34 of the Indian Penal Code and 3/4 of Dowry Prohibition
Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the informant, but the petitioner claims that he has given Talak to the informant as per Muslim rituals, hence, he cannot keep the informant as wife.

Counsel for the informant submits that the informant denies the factum of Talak and ready to resume the conjugal life.

Considering the fact that the factum of Talak is in dispute, let the above named petitioner be released on provisional anticipatory bail for three months 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 4th Additional Chief Judicial Magistrate, Samastipur in connection with Musrigharari P.S. Case No. 150 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry with regard to factum of Talak and if it is, prima facie, found that the petitioner has given Talak to the informant effectively as per the Muslim rituals then the provisional bail will be confirmed by the learned

court below, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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