

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28424 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -PARIHAR District- SITAMARHI

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1. Md. Naushad Alam @ Md. Firoz Alam son of Late Md. Kazim, R/o
Village-Sutihara Tola, P.S.- Parihar, District- Sitamarhi. Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of informant is apprehending arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture after 26 years of the marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with informant and birth of seven children. The informant had earlier filed Parihar P.S. case No. 161 of 2013 with similar accusation wherein the petitioner has been discharged. Thereafter the present case, i.e., Parihar P.S. case No. 66 of 2015 was filed and lastly Parihar P.S. case No. 179 of 2015 had been lodged with similar accusation wherein the petitioner has been granted regular bail by this court in Cr. Misc. No. 13013 of 2016. It is further submitted that still the informant

resides with the petitioner with children. It is submitted that the petitioner is still ready to keep the informant as wife along with children with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition which reads as follows:

“9. That as per the prosecution story itself marriage was solemnized 26 years ago and the two sons of the informant are major with whom she is living in the dwelling house of the petitioner and still the petitioner is ready to give all the facilities to the informant with full respect and dignity.”

Considering the aforesaid facts, 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 twelve 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, Sitamarhi in connection with Parihar P.S. Case No. 66 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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