

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48853 of 2016

Arising Out of PS.Case No. -324 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

=====

Md. Ehsanul Hasan, son of Md. Noor Hasan, resident of Village - Saraiya, P.S. Simari, District - Darbhanga, at present residing at Mohalla - Karamganj, P.S. Laheriasarai, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. Sumaya Parvin @ Khusboo, daughter of Md. Afsal, Resident of Mohalla - Bariya Railway Gumati No. 106 towards north Panchayat Kolhuwa, Paigambarpur, P.S. Ahiyapur, District - Muzaffarpur.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar @ Sanidh

For the Opposite Party/s : Mr. A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-12-2016 Heard Sri Neeraj Kumar @ Sanidh, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Jitendra Narayan Sinha, learned counsel, who has appeared on behalf of the informant.

The petitioner, husband of Opp.Party no.2, apprehending his arrest in Ahiyapur P.S. Case No.324/2016 registered for the offence under Sections 341, 323, 498A, 379, 504/34 of the Indian Penal Code, has prayed for grant of bail, in the event of his arrest or surrender.

At the very outset, by way of referring to Annexure-2 to the present petition, learned counsel for the petitioner submits



that prior to lodging of the present F.I.R., the petitioner being husband had lodged information to Laheriasarai Police Station that his wife had fled away with her cousin brother. Thereafter, the present F.I.R. was lodged. He submits that falsely, the petitioner has been made accused. He has also argued that in this case besides the petitioner other family members were also made accused and except the petitioner, all other accused persons have already been granted privilege of anticipatory bail. He submits that in the F.I.R. there is similar accusation against the petitioner like other accused persons.

Sri Sinha, learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

Earlier, this Court wanted to know as to whether the informant is still ready to live with her husband. Though learned counsel for the petitioner, on instruction, submits that the petitioner is still ready to keep her as wife with full respect and dignity, learned counsel appearing on behalf of the informant submits that the informant is not ready to reside with her husband since earlier she was ousted due to non-fulfilment of demand of dowry.

Keeping in view the fact that save and except the fact that the petitioner is husband of the informant, in the F.I.R.



there is similar allegation against all accused persons. Learned counsel for the petitioner submits that except the petitioner, all other accused persons have been granted privilege of anticipatory bail. This submission was not disputed by learned counsel for the informant

In view of facts and circumstances, let the petitioner, namely, Md. Ehsanul Hasan in the event of his arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No.324/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

NKS/-

U		T	
---	--	---	--

