

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38295 of 2015**

Arising Out of PS.Case No. -103 Year- 2013 Thana -SARE District- NALANDA  
(BIHARSHARIFF)

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1. Md. Ashgar Uddin @ Md. Ashgar, S/o Md. Samid, Resident of Village-  
Belauri, P.S.- Lakhisarai, District- Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Shahjahan Khatoon, D/o- Abdul Samad, Resident of Village- Jangipur,  
P.S.-Sare, District- Nalanda.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. J.N. Thakur (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR**  
**SINGH**  
**ORAL ORDER**

6      11-01-2016      Heard learned counsels for the petitioner and the  
  
State.

The petitioner being husband of the informant is  
  
apprehending arrest in a case registered for the offences  
  
punishable under Sections 341,323,498A, 494 and 504/34 of  
  
the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the O.P. No. 2 are present.

It is jointly submitted by the learned counsels for  
  
the petitioner and the O.P. No.2 that both sides have resolved  
  
the issue on payment of rupees four lacs when the appropriate

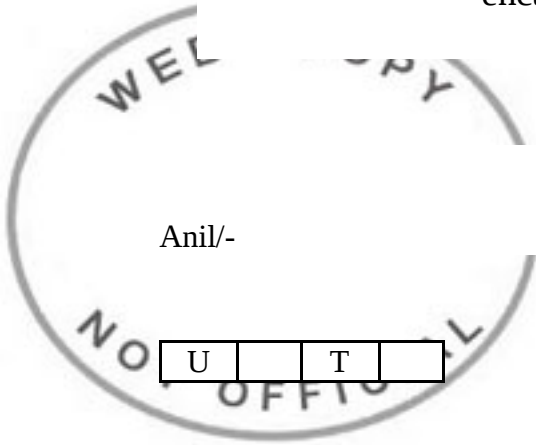
application under the provision of Hindu Marriage Act will be filed before the learned court below for dissolution of marriage. A joint application to the aforesaid effect has been filed.

In the circumstances, learned counsel for the complainant submits that the complainant is not opposing the bail prayer of the petitioner. The petitioner agrees to make payment of rupees four lacs within four weeks through bank draft. Learned counsel for the informant undertakes that the informant will submit her bank account on affidavit before the learned court below within three weeks.

Considering the present stand of the parties, let the above named petitioner 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, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 103 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on deposit of draft of

rupees four lacs in the account of the informant and its encashment.



(Dinesh Kumar Singh, J)