

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15607 of 2016**

Arising Out of PS.Case No. -189 Year- 2014 Thana -BANIAPUR District- SARAN

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Rojaddin @ Rojaddin Ansari Son of Amruddin R/o Village Khalispur, P.s.  
Baniyapur, District Saran (Chapra)

... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Narendra Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**  
**ORAL ORDER**

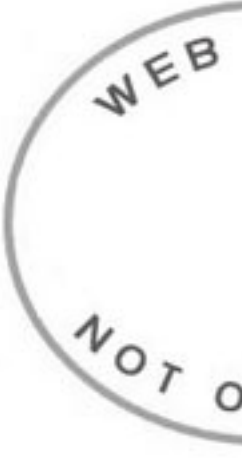
**3. 26-05-2016**

Heard learned counsel for the petitioner

and learned counsel for the State.

The petitioner is the husband. The informant is the minor daughter. Petitioner apprehends his arrest in relation to Baniyapur P.S. Case No. 189 of 2014 instituted under Section 302, 201/34 of the Indian Penal Code, for killing of his wife i.e. mother of the informant.

Learned counsel for the petitioner states that, earlier several years back, the brother of the wife of petitioner had lodged the First Information Report, *inter alia*, alleging that the petitioner had killed his wife and married to another and shifted to Lucknow. Police, upon investigation, found the petitioner's wife



alive. Now, the daughter who staying in her Nanihal has been used to file an F.I.R., but the police, upon investigation, has opined that it is not a case under Section 302 of the Indian Penal Code, but it may be a case under Section 364 of the Indian Penal Code. The petitioner, however, denies any involvement.

It is submitted that the petitioner had been mistreating the wife and thrown her out with the children. The fact disputed by the learned counsel for the petitioner who states that three out of four children are living with the petitioner at Lucknow.

Learned counsel for the informant submits that, in fact, he has constructed a second marriage which is denied by the petitioner.

Be that as it may, there appears to be serious marital discord in which even the children are being involved, in the event of his arrest/surrender before the court below within four weeks, let the petitioner, namely, Rojaddin alias Rojaddin Ansari, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Rakesh

Kumar Yadav, Judicial Magistrate, 1<sup>st</sup> Class, Saran (Chapra), in connection with Baniyapur P.S. Case No. 189 of 2014, subject to conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Navaniti Prasad Singh, J.)**

Rajeev/-

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