

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9328 of 2017

Arising Out of PS.Case No. -1002 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Md. Jamshed @ Jamshed

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjum Perveen, Advocate.

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-04-2017 The husband and wife both have appeared in Chambers. The husband has offered that he will keep his wife with full honour and care, but the wife i.e. opposite party No. 2 is not inclined to live with her husband. She has stated that she apprehends danger to her life when living with husband. But she did not disclose any valid reason for such fear.

From the impugned order, it appears that the complainant was not ready to go with her husband in the court below also.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 1002 of 2014, he shall be released on anticipatory bail on furnishing bail



bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It has been submitted on behalf of the opposite party No. 2 that efforts may be made for one time settlement as she does not want to live with her husband. In such circumstances, the opposite party No. 2 may file necessary petition in the court below and court will take initiative for one time settlement between the parties in accordance with law, in the event wife makes such request in writing before the court below.

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(Sanjay Priya, J)

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