

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29530 of 2017

Arising Out of PS.Case No. -171 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Shamim Anwar @ Md. Shamim Anwar Son of Jahrul Islam @ Jahirul Islam, Resident of Village- Nakchhed Tola, Police Station- Motihari Town, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasrin Praveen, W/o Shamim Anwar @ Md. Shamim Anwar, Resident of Village- Belisarai, Police Station- Motihari Town, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Sri Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 16-08-2017 Heard learned counsels for the petitioner, informant and APP for the State.

The petitioner seeks regular bail in connection with Motihari Town P.S. Case No. 171 of 2017 registered for the offence(s) punishable under section(s) 342, 323, 307, 498(A), 504, 34 of the Indian Penal Code.

This petitioner is husband of opposite party no. 2 who had lodged Motihari Town P.S. Case No. 121 of 2016 for the offences under sections 307, 323, 341, 498A of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

The petitioner was provisionally allowed anticipatory



bail by one of the coordinate Bench of this Court in Cr. Misc. No. 22713 of 2016, but on account of failure of the petitioner to keep his wife comfortably, his provisional bail was cancelled and he was remanded to custody on 24.04.2017. Opposite party no. 2 in the meanwhile, lodged another case bearing Motihari Town P.S. Case No. 171 of 2017 on the allegation that her husband again started torturing and assaulting her. This petitioner was allowed bail in Cr. Misc. No. 32820 of 2017 on 20.07.2017 in Motihari Town Police Station Case No. 121 of 2016.

The allegations against this petitioner is virtually same which were alleged in the earlier case. The petitioner is in custody since 24.04.2017 and there appears no chance of restoration of good relationship between the parties as it appears from the order passed in Cr. Misc. 32820 of 2017. It further appears that a Maintenance Case filed on behalf of opposite party no. 2, is pending before the learned Principal Judge, Family Court.

Considering the facts and circumstances, as stated above, the prayer of bail is allowed and the petitioner, above named, be released on bail on his 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, East Champaran at Motihari in connection with Motihari Town P.S.



Case No. 171 of 2017.

(Sanjay Kumar, J)

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