

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27762 of 2017

Arising Out of PS.Case No. -377 Year- 2004 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Akhtar Hussain Son of Late Ibrahim Ansari, Resident of Village- Khaira,
Police Station- Sonham, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
22.03.2017 in connection with Bhabua P.S. Case No. 377 of
2004 for offences punishable under Sections 498-A/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant
Safina Parween, is that she was subjected to mental and physical
torture by her husband, who has kept another lady named
Sangita and has turned her out of the house.

By order dated 31.07.2017 provisional bail was
granted to the petitioner with condition that the petitioner would



pay Rs. 51,000/- as arrears to his wife as fixed by the learned court below in Maintenance Case No. 03/2006.

The informant has stated on affidavit before the learned court below that she has received Rs. 51,000/- and the matter is being negotiated between the parties.

Petitioner has produced the affidavit filed by the informant before the court below as well as the order dated 11.09.2017, passed by the learned Principal Judge, Family Court, Bhabua in Maintenance Case No. 03/2006 showing that the said payment has been received by the informant.

Learned APP for the State is present.

Considering the facts and circumstances, both parties will appear before the learned Chief Judicial Magistrate, Kaimur at Bhabua on 17.10.2017 and the provisional bail will be confirmed in three eventualities : (i) if the matrimonial harmony is substantially restored or (ii) if the informant fails to appear before the learned court below or (iii) if the informant deliberately gets reluctant to reconcile the issue.

The affidavit filed by the informant before the Principal Judge, Family Court, Kaimur at Bhabua in



Maintenance Case No. 03/2006 and the certified copy of the order dated 11.09.2017, passed in Maintenance Case No. 03/2006 is kept on record.

(Nilu Agrawal, J)

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