

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1050 of 2017

Arising Out of PS.Case No. -53 Year- 2014 Thana -MAHILA PS District- KATIHAR

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Md. Sahabuddin @ Shahabuddin @ Md. Sahbuddin, S/O Md. Azad, R/o -
Hathia Diara, P.S. - Rautara, Distt - Katihar.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate.
For the State : Mr. Ramchandra Sahani, A.P.P.
For the Informant : Mr. Ajit Kumar Singh, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 17-01-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Katihar Mahila P.S. Case
No. 53 of 2014 for the offences punishable under sections 307 and
498 (A)/34 of the I.P.C.

Allegedly, the petitioner being husband subjected the
informant Sakira Khatoon to cruelty and tortured for non
fulfillment of dowry demand and ousted her from her matrimonial
home.

Submission is of false implication and that the



petitioner has committed no offence, he is ready to keep the complainant with full dignity and honour but the informant is not ready to live with him, earlier also the petitioner has tried to keep her but she did not go in the house of the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that this is second repeated occasion of cruelty and the petitioner failed to comply the direction of the Hon'ble High Court passed in Cr. Misc. No. 20845 of 2014.

In the facts and circumstances as stated above, considering the allegation I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of S.D.J.M. Katihar.

However, if the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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