

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55757 of 2016

Arising Out of PS.Case No. -2144 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Warish, Son of Md. Nasimuddin, resident of Village- Dimiya, P.S.-
Jalalgarh, District- Purnea. Petitioner

Versus

1. The State of Bihar.

2. Mahjabi Khatoon, D/o Md. Moeedur Rahman @ Mahid, resident of
Village- Dimiya, P.S.- Jalalgarh, District- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Devi

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

ORAL ORDER

3 30-01-2017 Heard learned counsel for the petitioner, learned counsel
representing the State and learned counsel for the complainant.

The petitioner seeks bail in connection with C.A. Case No.
2144 of 2015 registered for the offences punishable under Sections
498(A), 307, 323, 504, 341 of the Indian Penal Code.

The complainant was married to the petitioner on 20.07.2014
and before that she was sexually assaulted by the petitioner after giving
assurance to marry with her, resulting she was pregnant and after three
months of the marriage she gave birth to a child and then the petitioner
and others started torturing her and demanded cow and cash of Rs.
50,000/- and for that she was assaulted and ultimately they tried to kill
the daughter of the complainant and thereafter, the complainant came to
her naihar's house which is in the same village as they are not ready to
keep her.



Submission is of false implication and that the petitioner has filed case for restitution of conjugal right, the petitioner is ready to keep her but the complainant is not ready to live with him and without any fault he is suffering in custody since 22.09.2016 and as such he deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the complainant opposes the prayer of bail by submitting that the complainant is ready to live with the petitioner.

In the facts and circumstances stated above, considering the period of custody, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Purnea in connection with C. A. Case No. 2144 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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