

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32406 of 2017**

Arising Out of PS.Case No. -192 Year- 2016 Thana -PALASI District- ARRARIA

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1. Mahfuz Alam, Son of Moinuddin, resident of Village- Maldwar, P.S. Palasi, District- Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Bibi Lilofar, Wife of Mahfuz Alam, Daughter of Md. Murtaza, resident of Village- Dakaita Tola Kamat, Panchayat- Mirzapur Ward No. 12, P.S.- Palasi, District- Araria.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Ataur Rahman

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      04-09-2017                      Heard the parties.

The petitioner seeks regular bail in connection with Palasi P.S.Case No.192 of 2016 , registered for offences punishable under Sections 498A, 323, 354(B), 379 and 504/34 of the Indian Penal Code.

The case is under Section 498A of the Indian Penal Code and the petitioner is husband. It further appears that earlier also a bond was executed by the petitioner for not making any harassment or cruelty to his wife but again he assaulted her.

Submission of the learned counsel for the petitioner is that the petitioner is still ready to keep his wife with all dignity and a care and he is also ready to give an undertaking that he will



not harass her. It has further been submitted that the petitioner is in custody for about four months.

Heard learned A.P.P. and the learned counsel for the O.P.No.2. The learned counsel for O.P.No.2 has stated that she also wants to reside with the petitioner but some undertaking be given in writing by the petitioner that he will not assault her and he will also maintain all care of her five children.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the learned trial court that he will call upon the petitioner and O.P.No.2 in the court below and if the petitioner gives an undertaking in writing that he will keep O.P.No.2 with all dignity and care and he will also not harass and humiliate her in future and further he will maintain her five children also, the petitioner will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJ.M., Araria in connection with Palasi P.S.Case No.192 of 2016, with condition that the petitioner and O.P.no.2 has to appear before the court concerned in the first week of each month for the period of six months and after completion of those six months, if the learned trial court is satisfied with the conduct of the petitioner and the



O.P.No.2, he will confirm the bail bond of the petitioner; otherwise he is free to pass any other order or orders, as he deems fit and proper.

It is also made clear that if the learned trial court feels that O.P.No.2 is not ready to co-operate in the case, he will confirm the bail bond of the petitioner.

With the aforesaid observation, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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