

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36954 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Nasbullain Mian Son of Late Jauban Mian resident of Village-Bawariya,
Police Station- Paharpur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Nashida Khatoon wife of Nasbullain Mian resident of Village-Bawriya,
Police Station- Paharpur, District-East Champaran, Presentally Residing
as darghter of Ali Mahamad Hussain, of village- Bhopatpur Bishunpur
Police Station (Bhopatpur) Kotwa District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Md. Fahimuddin

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

07/ 27-02-2017

Heard learned counsels for the petitioner, State
and the informant-opposite party no.2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 323, 498A, 504 and 506 of
the Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture after 14 years
of the marriage, though, it is also alleged that the petitioner is a
terrorist.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the



informant and birth of two children. Earlier the informant filed Complaint Case No. 1043 of 2007 with similar accusation wherein the petitioner has been acquitted as none has supported the prosecution case. In fact, the issue was reconciled on the basis of transfer of 8 kathas 13 dhurs of land in favour of the informant for her maintenance and thereafter both sides are residing separately. It is further submitted that the petitioner is ready to make payment of Rs.500/- per month for the welfare of the daughter and also ready to deposit Rs.50,000/- for the marriage of the daughter.

Counsel for the informant submits that the petitioner has performed second marriage with the own sister of the informant and the informant is on the verge of destitution and vagrancy due to the apathetic attitude of the petitioner. The informant is not getting the usufruct from the land transferred to her since she is not in possession of the same. Whereas it is claimed by the petitioner that the informant is in possession of the land in question.

The matter was adjourned on several occasions but it does not appear that the issue is likely to be resolved.

In the circumstances, let the learned court below consider the prayer for bail of the petitioner, if the petitioner



surrenders before the learned court below within a period of six weeks from today in connection with Paharpur P.S. Case No. 116 of 2016 pending in the court of learned Chief Judicial Magistrate, Motihari, East Champaran.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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