

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42181 of 2016

Arising Out of PS.Case No. -295 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Hussain, son of Md. Hasim Matopha, Resident of Village – Betaha,
P.S.-Bela, District –Sitamarhi.

.... Petitioner/s

Versus

1. State of Bihar
2. Shabnam Khatoon, wife of Md. Hussain, Resident of Village – Betaha,
P.S. –Bela, District - Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate Mr. Sanjay Kumar, Advocate Mr. Vijay Kumar, Advocate
For the State	:	Mr. Sri Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 18-05-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

This Court vide order dated 27/09/2016, issued notices to the complainant/opposite party no.2 and thereafter vide order dated 19/01/2017 fresh notice was directed to be issued upon opposite party no.2. The office note dated 29/03/2017,



reflects that ordinary process of notice has been received by the opposite party no.2 personally, but none turned up on her behalf, when on 25/04/2017, the matter was adjourned for 18/05/2017. Today, on call, again none appeared on behalf of opposite party no.2.

It is admitted case of the complainant that she was earlier married to Md. Jasuddin and has three sons and two daughters out of the earlier marriage with Md. Jasuddin. The informant has given 'Talak' to her first husband and thereafter on the assurance of the petitioner that he will take care of her and her children she got married with him, but after sometime she was tortured, which led to registration of the present case.

It is submitted by learned counsel for the petitioner that the petitioner disputes the factum of marriage and similar was the stand of the petitioner before the learned Court below. The complainant deliberately chose not to appear before this Court.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sadar, Sitamarhi, in connection



with C1/295/2016, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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