

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11268 of 2019

Arising Out of PS. Case No.-95 Year-2017 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

MD ILLIYASH @ MD. ILLIYAS @ MD. ILIYAS Son of Hafiz Nadaf @
Md. Hafiz @ Pakkal Resident of Village - Basaitha P.S. Benipatti, District
Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shanno Khatoon Daughter of Safi Rahman Resident of Village - Singiya,
P.S.- Bisfi, District - Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 25-06-2019 Heard.

The petitioner apprehends his arrest in connection with
C.R. No.95 of 2017 registered under Sections 323, 498(A) and 504
of the Indian Penal Code.

The accusation is that the Nikah of the opposite party no.2
was performed with the petitioner on 24.06.2009 and, thereafter, due
to their wedlock, four sons were born and out of them, the elder son
died. In spite of that, the opposite party no.2 was being tortured by
her husband (petitioner) for non-fulfillment of the dowry demand and
the opposite party no.2 was being threatened by the petitioner to
perform his re-marriage. Ultimately, the opposite party no.2 was
ousted from the matrimonial house by snatching her personal



belongings.

Learned counsel for the petitioner submits that, in fact, the opposite party no.2, who is the wife of the petitioner, does not want to live with the petitioner. The opposite party no.2 also refused to receive the notice as issued to her under registered cover with A/D.

On the other hand, learned counsel appearing for the mother of the opposite party no.2 submits that during the pendency of this case, while the opposite party no.2 was taken by the petitioner but, thereafter, the opposite party no.2 became traceless.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Benipatti, District-Madhubani, in connection with C.R. No.95 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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