

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20589 of 2019**

Arising Out of PS. Case No.-54 Year-2016 Thana- MAHILA P.S. District- Nawada

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Kaushar Khan @ Md. Kausar Khan Son of Late Mohiuddin Khan, Resident
of Village - Thali Khurd, P.S.- Govindpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 19-06-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has moved the Court under
Section 438 of the Code of Criminal Procedure, 1973
(hereinafter referred to as the 'Code') seeking pre-arrest bail in
connection with Nawada Mahila P.S. Case No. 54 of 2016.

3. Earlier also the petitioner had moved this Court
for the same relief in Cr. Misc. No. 26160 of 2017 which was
dismissed by order dated 01.07.2017.

4. The allegation against the petitioner is that his
son after getting into physical relationship with the informant
had made her pregnant and on wrong pretext pregnancy was got
terminated and thereafter the son of the petitioner did not marry



the girl.

5. Learned counsel for the petitioner submitted that the parties are related to each other and subsequently after the order dated 01.07.2017, the son of the petitioner and the informant have married on 22.04.2018. It was further submitted that they are living together happily and peacefully. Learned counsel submitted that due to pendency of the case there is apprehension that he may be arrested.

6. Learned APP submitted that on merits the application has already been dismissed earlier.

7. Learned counsel for the petitioner drew the attention of the Court to order dated 09.10.2018 in Cr. Misc. No. 51516 of 2018 where the son of the petitioner who has married the informant has been granted anticipatory bail. Learned counsel submitted that the ground taken in the application for anticipatory bail filed by the son of the petitioner was that both have married and there was compromise.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with



two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Nawada in Nawada Mahila P.S. Case No. 54 of 2016, subject to the conditions laid down in Section 438(2) of the Code. Further, the grant of bail shall be subject to the petitioner, his son and other family members keeping the informant in the matrimonial home with full dignity, honour and security.

(Ahsanuddin Amanullah, J)

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