

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23952 of 2019

Arising Out of PS. Case No.-161 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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FAIYAZ AHMAD @ FAIYAZ ANSARI (Male), aged about 30 years, Son of Late Hadish Ansari Resident of Village- Patilar (Mishrauli Tola), P.S.- Chowtarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hussaina Ara Wife of Faiyaz Ahmad @ Faiyaz Ansari Resident of Village- Debelwa, P.S.- Yogapatti, District- West Champaran, at presently Husne Ara, Daughter of Maulana Manjur, resident of Village- Dihi Geralpur, P.S.- Yogapatti, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Kishun Prasad, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Complaint
Case No.161(c) of 2017/S.C.Case No.963 of 2019 for the
offence alleged under Sections 323, 307, 406 and 498A/34 of
the Indian Penal Code.

The prosecution case as lodged by the complainant
Opposite Party No.2 Hussaina Ara is that she was married to
the petitioner according to Muslim Customs in the year 2016.
After some time, she was tortured for demand of dowry and was
thrown away from her *Sasural*.



It has been submitted by the learned counsel for the petitioner that he is innocent and for similar allegation Yogapatti P.S.Case No.131 of 2017 has been instituted with the same allegations in which the petitioner has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.21038 of 2019 dated 04.04.2019 in which it has been observed that the petitioner and the Opposite Party No.2 have got mutual divorce under Islamic rituals and are free to live separate lives vide divorce dated 11.04.2018. He submits that the petitioner cannot be subjected to double jeopardy for same allegations and is languishing in judicial custody since 05.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances as well as the materials on record coupled with the fact that for similar allegations in Yogapatti P.S.Case No.131 of 2017, the petitioner has been granted the privilege of bail, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No.161(c) of 2017/S.C.Case No.963 of 2019 to the satisfaction of learned



Chief Judicial Magistrate, Bettiah, West Champaran.

(Nilu Agrawal, J)

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