

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30230 of 2019

Arising Out of PS. Case No.-390 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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1. MD. SHAHID Son of Md. Ilyas Resident of Village-Parohi, P.S.-Bisfi, District-Madhubani.
 2. Md. Ekram Son of Late Abdus Salam Resident of Village-Parohi, P.S.-Bisfi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi
For the Opposite Party/s : Mr. Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Sadar Police Station Case No. 390 of 2018, disclosing offences punishable under Sections 366A, 376, 376-D, 379 and 120B of the Indian Penal Code.

The petitioner no. 1 is the brother of co-accused Nematulla. The complainant is the wife of said co-accused Nematulla. Matrimonial dispute between the co-accused Nematullah and the informant is an admitted fact. The First Information Report has been registered on the basis of complaint case.

Learned counsel for the petitioners has submitted that prior to lodging of the complaint case on 26.06.2018, the informant had filed an application before the Darul Quaza (Imarat



Shariah) on 23.06.2018, seeking divorce. He has also submitted that the complaint case has been filed on 26.06.2018 with reference to an occurrence, which is said to have taken place on 16.04.2018.

Considering the facts and circumstances, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Sadar Police Station Case No. 390 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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