

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38892 of 2019

Arising Out of PS. Case No.-1798 Year-2015 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Izhar, Son of Md. Abrar, Resident of Village - Dilalpur, P.S.- Balia Belone, Distt - Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Shayera Bano Wife of Md. Izhar, D/o Late Md. Sajjad Resident of Village - Dilalpur, P.S.- Balia Belone, Distt - Katihar. At present resident of village - Madhepur, P.S.- Balrampur, Distt - Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Md. Ziaul Quamar, Advocate
For the State	:	Mr.Madhura Nand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner. No one appears on behalf of the Opposite Party No. 2 to oppose this application. Learned A.P.P. for the State is present.

Petitioner in the present case is the husband of opposite party no. 2 seeking anticipatory bail in connection with Complaint Case No. 1798 of 2015 registered for the offences punishable under Section 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that although the petitioner is ready and willing to keep the Opposite Party No. 2 as his wife in the matrimonial home with full dignity and care but the fact remains that the opposite party no.



2 has already married with one Md. Mubarak and she is living with him. A supplementary affidavit to this effect has been filed on behalf of the petitioner.

Considering the facts and circumstances of this case, where despite service of copy of the supplementary affidavit on the learned counsel representing opposite party no. 2 the fact that opposite party no. 2 has already married to someone else has not been denied, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar in connection with Complaint Case No. 1798 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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