

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36678 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- MAHILA P.S District- Supaul

MD. MAIBULLAH @ MAHIBULLAH Son of Md. Sakil Resident of Village
- Pirganj, P.S. - Kisanpur, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajda Begum, D/o Mahibulla, resident of Virganj, P.S.-Kishanpur, District-
Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.
For the Opposite Party no.1: Mr.Raj Kishore Singh, APP
For the Opposite Party no.2: Mr. Md. Harun Quareshi, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2019 Learned counsel for the petitioner is permitted to add
the informant as opposite party no.2 in course of the day.

Mr. Md. Harun Quareshi, AOR No.3485, learned
counsel has entered appearance on behalf of the informant and
undertakes to file Vakalatnama in course of the day.

Learned APP for the State is present.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Mahila (Supaul) P.S. Case No.11 of
2019 for the offences punishable under Sections 498-A, 341,
323, 504, 506, 379 and 509/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that there



was a divorce and a talaknama was prepared between the parties on 01.12.2017. The petitioner is now not ready to keep the informant as legally married wife.

Learned counsel for the informant submits that from perusal of the FIR it will appear that the informant is pregnant and is carrying pregnancy of four months when she was ousted from her matrimonial house by her husband and in-laws on 03.02.2019. She has also been deprived of her clothes and ornaments. Learned counsel submits that no material has been brought on record to show that any talaknama was prepared between the parties.

Learned APP for the State has also opposed the prayer for anticipatory bail stating that this petitioner happens to be the husband of the informant and it is his obligation to take care of his wife who is carrying a four months pregnancy, instead he has ousted his wife.

Having heard learned counsel for the parties, in the given facts and circumstances of the case, considering that the petitioner is the husband and the informant alleges that she has been ousted from her matrimonial house while carrying a pregnancy of four months besides other allegations of torture, I am not inclined to grant anticipatory bail to the petitioner.



The petitioner, if so advised, may surrender in the court below within a period of four weeks from today and pray for regular bail. In case such an application for regular bail is filed in the court below, the same will be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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