

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68686 of 2018

Arising Out of PS. Case No.-1768 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Azad, Son of Md. Yusuf, resident of Village- Gadh Sisai, Police Station-
Vidyapatinagar, District- Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Rozina Khatoon, wife of Md. Azad, Daughter of Abdur Rahman, presently
resident of Village- Bherokhada Tola Yogiya Math, Police Station- Tazpur,
District Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Dinesh Maharaj, Advocate
For the State	:	Mr. Mukeshwar Dayal, APP
For Opposite Party No.2	:	Mr. Choudhary Shyam Nandan, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 08-03-2019 Pursuant to the order dated 26.02.2019, parties are personally present. The petitioner expresses that in view of continuing threats from the family of opposite party no. 2, there are apprehension that harmonious matrimonial relationship may not be restored.

2. However, both the parties reiterate the commitment to resume their harmonious conjugal life together after leaving the Court premises together.

3. Be that as it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 1768 C/2017 subject to the conditions as laid down under Section 438(2) Cr.P.C. and with further conditions --



(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

4. The provisional bail granted to the petitioner shall stand confirmed after a period of six months upon restoration of substantial matrimonial harmony between the parties and if a joint affidavit is filed to the above effect before the learned court below. However, in case a complaint of similar nature is filed by the opposite party no.2 against the petitioner during the said period, the provisional anticipatory bail granted to the petitioner shall stand automatically cancelled.

BT/Chandran

(Vikash Jain, J)

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