

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66878 of 2018**

Arising Out of PS. Case No.-107 Year-2017 Thana- Abadpur District- Katihar

Nazir, son of Majnu, Resident of Village- Maltipur, P.S. Abadpur, District- Katihar.

... .. Petitioner

Versus

1. The State of Bihar  
2. Mahmuda Khatoon, wife of Nazir, village- Maltipur, P.S.- Abadpur, Dist- Katihar.

... .. Opposite Parties

**Appearance :**

|                            |                                                                    |
|----------------------------|--------------------------------------------------------------------|
| For the Petitioner/s :     | Mr. Bhola Prasad, Adv.                                             |
| For the Opposite Party/s : | Mr. Damodar Prasad Tiwary, A.P.P.<br>Mr. Vikash Kumar Shukla, Adv. |

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      05-03-2019                      Heard Sri Bhola Prasad, learned counsel for the petitioner, Sri Damodar Prasad Tiwary, learned Addl. Public Prosecutor as well as Sri Vikash Kumar Shukla, learned counsel for the informant.

The sole petitioner, husband of the informant (opposite party no. 2), has approached this Court for grant of anticipatory bail in Abadpur P.S. Case No. 107 of 2017 registered for the offence under Sections 341, 323, 504, 498A / 34 of the Indian Penal Code. It is evident that during investigation, accusation was found true and, as such, chargesheet was submitted and learned Magistrate has taken cognizance of the offence under Section 498A /34 of the Indian



Penal Code Code. Normally, in such situation after cognizance, there is no reason to entertain the prayer for anticipatory bail, but since a stand has been taken by the petitioner in paragraph-8 of the petition that he wants to keep the informant/wife with peace, honour and full dignity, the Court was persuaded to entertain the anticipatory bail petition.

Sri Vikash Kumar Shukla, learned counsel for the informant submits that repeatedly, the informant was being tortured by the petitioner and he has created a situation, which compelled her to take coercive step by filing the present F.I.R. However, being a lady, still she wants to live her marital life with her husband (petitioner), provided certain protection is granted.

Learned counsel for the petitioner undertakes on behalf of the petitioner that the petitioner will keep the informant as wife with full dignity and love.

Accordingly, with a view to amicably settle the family dispute, it is desirable to extend the privilege of anticipatory bail to the petitioner. In the event of his arrest or surrender within a period of six weeks from today, let the petitioner, namely, Nazir be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate- 1<sup>st</sup> Class, Katihar in connection with Abadpur P.S. Case No. 107 of 2017 with condition that one of the bailor must be blood relation of the petitioner and secondly, as undertaking has been given that the petitioner will keep the informant/opposite party no. 2 as his wife with full dignity and respect. If any torture is administered to opposite party no. 2, she would be at liberty to file an affidavit before this Court, so that this Court may recall this order.

**(Rakesh Kumar, J.)**

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