

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55828 of 2019

Arising Out of PS. Case No.-1766 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SHAH ALAM @ SHAH ALAM SHAH, aged about 40 years, Male, Son of
Kalim Shah, Resident of Village-Sarewan, P.S.-Bhabua, District-Kaimur at
Bhabhua.

... .. Petitioner

Versus

1. The State of Bihar.
2. Afsana Bibi, aged about 38 years, Female, Wife of Shah Alam @ Shahid @
Bhattu, D/o Tahir Shah Resident of Village-Serawan, P.S.-Bhabua, District-
Kaimur at Bhabua. At present address Resident of Village-Lodipur, P.S-
Chainpur, District-Kaimur at Bhabua.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Rajani Kant Pandey, Advocate.
For the State	:	Mr.Md. Mushtaque Alam, A.P.P.
For O.P. No. 2	:	Mr. Parwej Khan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 498(A) of the IPC and 4 of
the D.P. Act.

The prosecution story, in brief, is that the complainant
was married with petitioner Shah Alam, 10 years ago. The
petitioner and others had demanded vehicle and cash of Rs.
50,000/-. When the victim visited her Sasural, she came to know
that her husband has already married with another woman. The



victim had begotten three daughters, thereafter, her husband again married third woman and then all started subjecting the victim to torture and after retaining her three daughters expelled her from her matrimonial home.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R./Complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned C.J.M. Kaimur at Bhabua and/or other transferee court, in connection with Complaint Case No. 1766 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In pursuance to the order dated 05.09.2019, the petitioner above named was to be released on provisional bail in case, he was sought to be arrested. Since the petitioner was never arrested, hence, no bail bond was furnished by him.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

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