

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57164 of 2019

Arising Out of PS. Case No.-1082 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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MD. SHAHABUDDIN Son of Late Ishak Resident of Village - Khaira,
Ajimabad, P.S.- Chhabilapur (Rajgir), District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Farhat Jabi @ Nagma Jabi Wife of Md. Shahabuddin, D/O - Md. Nazamuddin Resident of Village - Musepur, P.S.- Rahui, District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 05-11-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Complaint Case No.1083C/18 , registered for offences punishable under Sections 498A, 323, 307, 313, 420, 506 of the Indian Penal Code and Section 3/4 of the D.P.Act.

As per FIR, petitioner happens to be husband of the complainant and the allegation is with respect to demand of Rs.50,000/- and she was assaulted and ousted from the house.

Submission of the learned counsel for the petitioner is that the allegation is false and concocted. He is still ready to keep her with dignity and care.

On the other hand the learned counsel for the O.P.No.2 has submitted that he has got instruction that he has married another lady whereas the cognizance has been taken only



under Section 498A/34 of the IPC. It is further submitted that earlier also after the compromise they have taken her and thereafter assaulted her and ousted her from the house.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bihar Sharif, Nalanda in connection with Complaint Case No.1082C/2018 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that if she is ready to reside with the petitioner, he has to keep her with dignity and care..

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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