

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69298 of 2019

Arising Out of PS. Case No.-449 Year-2016 Thana- COMPLAINT CASE District- Araria

Md. Sabir, aged about 27 years, Male, son of Shaikh Habib, resident of village-Bagthar, P.S.Amour, District-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Noorana, wife of Md. Sabir, D/o Md. Abid Hussain, resident of village-Balwa, P.O. Kursil, P.S. Mahalgaon, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of Criminal Procedure Code has been moved for grant of bail in Complaint Case No.449 of 2016 dated 26.02.2016 under Sections 323, 379 and 498A of the Indian Penal Code.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The dispute appears to be between the husband the wife. Prima-facie, there is no allegation of physical assault and the dispute with the passage of time is likely to be resolved amicably and no purpose would be served keeping the petitioner behind the bar.

It is submitted by learned counsel for the petitioner



that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 29.06.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Araria in connection with Complaint Case No.449c of 2016 on the following conditions:-

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

(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 bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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