

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61076 of 2018

Arising Out of PS. Case No.-1692 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

Md. Aslam, Son of Late Abdullah, Resident of Village: Purwari Basant Tola,
Police Station: Bettiah Town, District: West- Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sahnaz Khatoon, wife of Aslam, D/O Hussain Maiyan, Resident of Chhawani Masid, P.S.: Manuwapul, District : East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Aditya Nath Jha, Advocate
For the Opposite Party/s : Mr. Md. Sufiyan , A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 05-03-2019 The petitioner, husband of the complainant, has approached this court apprehending his arrest in connection with Complaint Case No. 1692 (C) of 2015 for the offence under Section 498A, 323, 504/34 of the Indian Penal Code, 1860.

Earlier, by order dated: 04.10.2018, while directing for issuance of notice to opposite party no. 2 /complainant, a Co-ordinate Bench had directed for not taking any coercive steps against the petitioner till further order. On going through the impugned order i.e. order dated- 17.06.2016 it appears that the learned Sessions Judge, West Champaran, Bettiah has disposed of the anticipatory bail petition considering the fact that in the complaint case only summon was issued. Fact



remains that petitioner was made accused in cognizable and non-bailable offence, and as such, the learned Sessions Judge instead of disposing of the anticipatory bail petition on merit, incorrectly has disposed of the case on the ground that only summon was issued.

In view of the facts and circumstances, it would be desirable to dispose of the present anticipatory bail petition with observation that petitioner may approach the court below and file a fresh anticipatory bail petition. If such petition is filed, the Court expects that the learned court below without being prejudiced with this order, on merit decide the same preferably on the same day. Such petition must be filed within six weeks from today. Till filing of such petition within six weeks and disposal of the anticipatory bail petition by the court below the order dated- 04.10.2018 passed in the present case i.e. for not taking any coercive steps shall continue.

The petition stands disposed of.

(Rakesh Kumar, J)

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