

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17235 of 2020

Arising Out of PS. Case No.-1371 Year-2019 Thana- COMPLAINT CASE District- Araria

Md. Ayub Khan @ Ansari @ Bablu @ Ayoub Ansari, S/o Ahmad Ansari, R/o
village- Sonapur Tola Mirganj, P.S.- Jogbani, District- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. Nagma Khatoon, D/o Late Ayub Ansari, Resident of Rampur South, Ward
No. 10, P.S.- Forbesganj, District- Araria

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr.Atul Chandra, A.P.P.
For the Informant	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 08-02-2021 Heard learned counsel for the petitioner as well as learned
counsel representing opposite party no. 2 and Mr. Atul Chandra,
learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Complaint Case No. 1371 (C) of 2019 registered
for the offences punishable under Section 498A of the Indian Penal
Code.

Learned counsel for the petitioner and the opposite party
no. 2 both are in agreement that the parties are willing to live
together.

Learned counsel for the petitioner submits that he has
instruction to say that petitioner shall visit the place of opposite
party no. 2 within a period of three weeks from today and shall bring



her back together with three years old child to her matrimonial home where they will be allowed to live peacefully with full dignity and care.

On the apprehension expressed by learned counsel for the opposite party no. 2 that the petitioner may indulge in committing torture again, learned counsel for the petitioner submits that the petitioner would keep his wife and child with full dignity and there will be no complain of torture.

In the facts of the present case, learned A.P.P. for the State does not want to argue.

In the given facts and circumstances of the present case, keeping in view the interest of both the parties and this being a matrimonial case in which they are willing to live together, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Complaint Case No. 1371 (C) of 2019 be released on provisional bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that after three months both the parties shall appear before the learned court below and on being satisfied with the conduct of the petitioner, the learned court below shall confirm the bail bond of the petitioner.

In case the petitioner commits any breach of the statement and assurance given before this Court it will be open for opposite party no. 2 to file an appropriate application before this Court for cancellation of bail of the petitioner and other proceedings.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

