

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12911 of 2023

Arising Out of PS. Case No.-766 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

MD. SHAMSHER @ RINKU, Son of Md. Kalim, Resident of Mohalla -
Iqbal Nagar, P.S.- Kotwali, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Khatoon, Wife of Md. Shamsheer @ Rinku, D/o Late Md. Idrish,
Resident of Mohalla - Iqbal Nagar, P.S.- Kotwali, District - Gaya

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s :	Mr. Ram Anurag Singh, APP
	Mr. Ajay Kumar Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-09-2023 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no.2.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Gaya Complaint Case no.766 of 2018, registered under
sections 498A, 323, 234, 504, 506 and 494 of the Indian Penal
Code in which cognizance has been taken under section 498A of
the Indian Penal Code.

3. As per the prosecution case, the petitioner was
married to the complainant about 23 years ago ie around the



year 1995. It is stated that four children, details of whom have been given in the complaint, were born out of the said wedlock. For the last few months, the accused persons started to abuse and assault the complainant and started asking her to get Rs.2 lacs from her mother. It is further stated that the petitioner use to go to the house of the accused no.3 and ultimately entered into marriage with her on 27.4.2018. The accused continued to assault and abuse her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. After inquiry cognizance was taken only under section 498A of the Indian Penal Code. The allegations are false and concocted. From the contents of the complaint itself it would transpire that it has been more than 23 years of marriage between the petitioner and the complainant. The petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. Learned counsel for the complainant submits that not only the petitioner is named in the complaint but also there is direct allegation of abuse and assault against him. Besides entering into the second marriage, he is neither looking after the complainant nor their four children.



6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the complaint, period of 23 years having been passed since the marriage of the complainant and the petitioner and the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gaya Complaint Case no. 766 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya.

7. It is further observed that in view of the submissions made on behalf of the complainant, in case any maintenance case is filed by the complainant, the petitioner will cooperate in the said maintenance case and abide by the directions given therein.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

