

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48813 of 2023**

Arising Out of PS. Case No.-535 Year-2019 Thana- COMPLAINT CASE District- Lakhisarai

MD. SAGIR Son of Md Rabbani Resident of village - Railpar Azad Basti, Lal Chowk, Post and P.S.- Asansul, Distt. - Vardman (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rozi Khatoon Wife of Md. Sagir D/o of Md Nawab Alam, Resident of village - Railpar Azad Basti, Lal Chowk, Post and P.S. - Asansul, Distt. - Vardman (West Bengal). Present address D/o Md Nawab Alam R/o Mir Shikar Mohalla, Ward no. 11, P.S - Barahiya, Distt. - Lakhisarai

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Advocate  
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      16-08-2023                      1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Opposite Party no.2 who has appeared suo motu.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Complaint Case no.535C/2019 registered for the offence punishable under sections 498A, 323, 504, 506, 120B and 34 of the Indian Penal Code.

3. As per the case of the complainant, the complainant was married to the petitioner as per the Muslim Shariat Law on 9.9.2015. It is stated that the accused persons including the petitioner herein started to misbehave with the



complainant and tortured her mentally and physically. The torture increased on birth of a female child. It is further stated that the husband had an illicit relation with one another girl and they used to threatened the complainant that she would be killed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of his being the husband of the complainant. The allegations are general and omnibus in nature. So far as the allegation of second marriage etc. are concerned, the same is not barred under the Personal law relating to the petitioner. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the complainant- Opposite Party no.2. Learned counsel for the complainant submits that not only the petitioner is named in the F.I.R., he happens to be the husband of the complainant and there is specific allegation against him of torture and assault against the complainant. The same is supported by the complainant and the witnesses in course of enquiry. As per the information received, cognizance has also been taken.



6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the complaint together with the allegations being general and omnibus in nature, 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 Complaint Case no.535C/2019 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, Lakhisarai.

**(Partha Sarthy, J)**

Saurabh/-

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