

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69741 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- PALASI District- Araria

Shamim Akhtar Son of Amiruddin Resident of Dehti Meer Bhag, Ward No.8,
Police Station - Palasi, District - Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gazala Parween Wife of Shamim Akhtar Resident of Dehti Meer Bhag,
Ward No.8, Police Station - Palasi, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Palasi P.S. Case No. 198 of 2023, registered on 01.07.2023 for the alleged offence under Sections 341, 323, 498A, 494, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner is the husband of the informant. On account of demand of Rs.Two lakhs the petitioner drove out the informant from her matrimonial home and also solemnized second marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. No occurrence as alleged has ever taken place. The real fact is that the marriage of the petitioner was solemnized with the informant 17 years back but she was issueless and on the advice of the informant, the petitioner solemnized second marriage. But at the instance of her family members, the informant has lodged this false case. The allegation of demand of Rs.Two lakhs and assault have been made only to make the case graver. Even today the informant has been residing in her matrimonial home and she never went to her parental home. The petitioner has got no criminal history. The petitioner is in custody since 01.08.2023 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the marriage has taken place 17 years back and further considering the improbability of accusation, period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st,



Araria/concerned court in connection with Palasi P.S. Case No. 198 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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