

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73021 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- HUSSAINGANJ District- Siwan

Md. Jauhar Imam @ Rinku @ Johar Imam S/o Nanhe Hussain R/v-
Hussainganj, P.S.- Hussainganj, District- Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. Firdaus Fatma W/o Md. Jauhar Imam D/o Jafar Raja Haidri R/v-
Hussainganj Haweli, P.S.- Hussainganj, District- Siwan

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ravindra Nath Dubey, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Mr. Javed Aslam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking pre-arrest bail in connection with Hussainganj P.S. Case No. 208 of 2022 registered for the offences punishable under Sections 341, 323, 498A, 504, 506 of the Indian Penal Code. He has got one criminal antecedent which is said to have been lodged on account of matrimonial dispute and the petitioner is on bail in the said case.

Learned counsel for the petitioner submits that the present FIR has been lodged by the informant making false allegations that the petitioner has usurped her ornaments which she had acquired in her first marriage. Learned counsel submits



that on perusal of the FIR itself it would appear that the informant has filed a divorce case as she does not want to live with this petitioner. Learned counsel submits that in this regard, the observation of the learned Sessions Judge, Siwan is contrary to the stand of the informant in the FIR. Learned counsel further submits that so far as the petitioner is concerned, he is ready and willing to keep the informant with him.

Learned counsel for the informant has opposed this application. It is submitted that the conduct of the petitioner is such that it would not be possible for the informant to live with him. The informant has alleged that the petitioner had earlier performed two marriages and had divorced them.

Having regard to the facts and circumstances of the case, considering that the present case has arisen out of a matrimonial dispute, the informant has lodged a divorce case and at this stage, she is not willing to live with the petitioner, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Hussainganj P.S. Case No. 208 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 9th Siwan, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

