

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8184 of 2024

Arising Out of PS. Case No.-380 Year-2010 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

Md. Samirul Haque @ Samirul SON OF LATE MD. AMIRUL HAQUE R/O
Village -Barmotar Hanumannagar PS- Babubarhi District -Madhubani
... .. Petitioner/s

Versus

1. The State of Bihar
2. AFSANA KHATOON WIFE OF MD. SAMIRUL HAQUE R/O Village
-Barmotar Hanumannagar PS- Babubarhi District -Madhubani PRESENT
ADDRESS- DAUGHTER OF MD. WAZIBUL HAQUE, RESIDENT OF
VILLAGE- JAMANIYA, PS- BABUBARHI, DISTT- MADHUBANI
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(A)
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 28.06.2024, it would
manifest that the same records that opposite party no. 2 could
not be traced. It is further submitted that petitioner, being the
husband, has been falsely implicated in the instant case by the
opposite party no. 2. It is next submitted that specific statement
has been made at para 12 of the anticipatory bail application that



opposite party no. 2 has solemnized her second marriage with Md. Sabir. It is thus submitted that since opposite party no. 2 has already performed her second marriage, as such, she is not interested in pursuing the case, hence, the office report records that the opposite party no. 2 could not be traced.

4. In view of the specific pleading of the petitioner at para 12 of the anticipatory bail application, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with C.R. Case No. 380 of 2010, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

5. However, the opposite party no. 2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if it is found that petitioner by misleading the Court has obtained anticipatory bail.

(Satyavrat Verma, J)

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