

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13524 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Md. Ajmal Hussain, Son of Late Abdul Gaffar, Resident of Village-
Damodarpur Pokhar, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Julesha Khatoon @ Zulesha Khatoon W/o Md. Ajmal Hussain, D/o- Late Abdul Hamid Resident of Village- Barnout Personi, P.S.- Sahebganj, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Thakur Brajesh Singh, Advocate
For the State	:	Mr.Pranav Kumar, APP
For the O.P. No. 2	:	Mr. Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no. 2.

02. In the present case, the petitioner is apprehending his arrest in connection with Sahebganj P. S. Case No. 260 of 2023 registered for the alleged offences under Sections 341, 323, 494, 495, 498(A), 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner is the husband of the informant and there is allegation of demanding Rs. 5 lacs in cash and one Alto Car in dowry against the petitioner and other co-accused persons and consequent torture on account of non-fulfillment of this demand. Further,



allegation against the petitioner is that of solemnizing second marriage and driving out the informant and his children from his house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner never tortured or treated the informant with cruelty. The opposite party no. 2, who is the wife of the petitioner, does not want to stay with him. The present FIR has been lodged after 19 years of marriage and the allegations are not believable. Prior to filing of the present case, the petitioner has filed Matrimonial Case No. 41 of 2021 for restitution of conjugal right before the Family Court, Muzaffarpur and coming to know about this fact, the informant has filed the present case. The learned counsel further submits that children have crossed the age of adolescence. There is no specific allegation against the petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. as well as learned counsel for the opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner has solemnized the second marriage and it is not possible for the informant to stay with the



petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation and further considering the relationship of the parties, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur (West), in connection with Sahebganj P.S. Case No. 260 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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