

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20815 of 2024**

Arising Out of PS. Case No.-128 Year-2023 Thana- JALE District- Darbhanga

Md. Asgar Ali Son of Mohamaddin Village- Rebdha P.S.- Jalley Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shama Praveen Wife of Md. Asgar Ali, D/o- Manjar Alam Village- Rupaul, P.S.- Bajapatti Dist- Sitamarhi

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Gagandeo Yadav, Advocate |
|                          |   | Mr. Ravi Prakash, Advocate   |
| For the Opposite Party/s | : | Mr. Abhay Kumar, APP         |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

6      26-10-2024                      Heard Mr. Gagandeo Yadav, learned counsel for the  
Petitioner and Mr. Abhay Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jalley P.S. Case No. 128 of 2023 dated 12.10.2023 registered for the offences punishable under Sections 498(A) of the Indian Penal Code and under Sections 3/4 of the D.P. Act.

3. The main submissions advanced by the learned counsel appearing for the petitioner are that the petitioner is the husband of the informant, the marriage in between the petitioner and the informant took place 13 years back, from their conjugal relationship, four children have born out and the eldest child who is a daughter is aged about 11 years and further, in the FIR, there is no specific allegation against the petitioner. It is further submitted that for getting the appearance of O.P. No. 2, this



Court sent notice to her which was received by her mother and that notice was deemed by this Court vide order dated 03.09.2024 as having been served validly and further, there is no any medical evidence regarding the alleged physical cruelty.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the facts and circumstances of this case as well as above submissions and coupled with the completion of investigation against the petitioner as appears from the order impugned, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Jalley P.S. Case No. 128 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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