

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39491 of 2024

Arising Out of PS. Case No.-10 Year-2014 Thana- MURAR District- Buxar

Md. Hussain @ Md. Husen, aged about 45 years, S/O Md. Jawahir @ Md. Jawahir Miya @ Jahiruddin, R/O village- Thori Pandeypur, P.S.- Murar, Distt- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saleha Khatoon, Female, aged about 46 years, D/O Abdul Majid, W/O Md. Hussain, R/O Village Thori Pandeypur, P.S. Murar, Distt- Buxar. At present R/O Village Belwaniyan, P.S. Bihiya, P.O. Belwaniyan ,Distt-Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the OP No.2	:	Mr. Fahad Khurshid, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 27-09-2024 Heard learned counsel for the petitioner; learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Murar PS Case No.0010 of 2014 dated 06.03.2014, instituted for the offence punishable under Sections 498-A, 341, 323, 506,109/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the marriage of the informant was performed with the petitioner in the year 1997. After marriage, her husband kept torturing and assaulting her regularly at the behest of her *Mausi*. Having tired of the



torture, the informant abandoned her matrimonial house and went to her native place with her two children in the year 2003. It is further alleged that after interference of the well wishers and a compromise, she returned to her matrimonail home, but the behaviour of her husband did not change. After returning to matrimonial home, the husband continued with his aggressive behaviour and repeatedly assaulted her. The informant has alleged that her husband wants to kill her.

4. Learned counsel for the petitioner at the very outset submits that he is ready to keep OP No. 2 with full dignity and honour. It is further submitted that during the stay of the OP No.2 at her father's house, the petitioner and his father used to visit her parental house regularly to extend financial help. She is in constant touch with the petitioner and his family members. Learned counsel for the petitioner further submits that one son of the petitioner is aged about 23 years and he is living with his mother. He is engaged in some employment.

5. Learned APP as well as learned counsel for the OP No. 2 have opposed the prayer for bail. Learned counsel for the OP No. 2 submits that she has threat to her life and she wants one time settlement. Learned counsel further submits that a reasonable amount may be fixed as living cost of the opposite



party no. 2.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM- 1st, Buxar, in Murar PS Case No.0010 of 2014, subject to payment of rupees six thousand per month as living cost to the OP No.2 by the petitioner.

7. The petitioner will deposit rupees six thousand per month by 7th of every succeeding month in the savings account of the OP No.2. The OP No. 2 will furnish the Account Number to the petitioner for deposit of the amount as aforesaid every month. In case, the petitioner fails to deposit the installments for two consecutive months, his bail will be liable to be cancelled.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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