

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58313 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- LAXMIPUR District- Jamui

Umar Farooque @ Umar Garooque @ Md Umar Farooque Son of Sirajuddin
Resident of Alakhpura, P.S. - Gidhaur, District - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajina Khatoon Wife of Umar Farooque @ Umar Garooque @ Md Umar Farooque, Daughter of Gulam Ansari Resident of Village - Moura, P.O. - Moura, P.S. - Gidhaur and District - Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Laxmipur (Gidhaur) P.S. Case No. 04 of 2023, instituted for the offence punishable under Sections 341, 323, 498A/34 of the Indian Penal Code, Section 3/4 of the D.P. Act and Section 4 of the Muslim Women (Protection of Right on Marriage) Act, 2019.

3. The petitioner is the husband of opposite party no. 2.

4. The allegation against the petitioner and their family members is that they used to torture and assault the



informant saying that she is only giving birth to girl child and therefore they demanded two lacs from her parents through the informant for depositing in the name of two daughters. When she refused the said demand then the accused persons assaulted the informant.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that petitioner is ready to keep his wife with full dignity and honour. Lastly, it has been submitted that he has no criminal antecedent.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Learned counsel for the informant also submits that the opposite party no. 2 is also ready to live with the petitioner along with her two minor children provided she is kept with full dignity and honour.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Laxmipur (Gidhaur) P.S. Case No. 04 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jamui, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to condition that at the time of furnishing bail bond on 03.12.2024, the informant is also directed to be present in court. Further, the petitioner is directed to take his wife with him on the same date i.e. 03.12.2024 from the court itself, failing which the bail bond furnished by the petitioner shall be cancelled.

9. The court below is directed to monitor the relationship of the petitioner with his wife by calling them physically in court every month for the next six months.

10. It is expected that the informant will also co-operate with the petitioner while living in the matrimonial home peacefully.

(Khatim Reza, J)

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