

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66802 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- MAHILA PS District- Darbhanga

MD. HAYAT @ HAYAT SHEKH MOHAMMAD ALAM son of Mohammad
Alam resident of Village- Nariyar W.No-4, PS- Sadar Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. MEHJABI HAYAT D/o- Late Marhum Abdul Sakur resident of Village-
Jhagaru PS- Jamalpur Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Singh, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Iqbal Asif Niazi, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 05-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Darbhanga Mahila P.S. Case no.82 of 2022 registered under sections 498A, 495, 313, 323, 379, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant was married to the petitioner herein. It is stated that the accused persons including the petitioner herein assaulted the informant. It subsequently transpired that the husband of the informant ie the petitioner herein was married from before. Ultimately, besides the torture and assault, the accused persons forced the



informant out of her sasural.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegations levelled in the F.I.R. are false and concocted. The petitioner was in custody since 31.7.2023 till he was enlarged on provisional bail vide order dated 17.10.2023 passed in the instant case. It is submitted that the petitioner and the informant along with the other family members are living amicably in the house of the petitioner and the petitioner undertakes to look after the informant in future.

5. Heard learned A.P.P. for the State and learned counsel for the Opposite Party no.2. It is submitted by learned counsel for the Opposite Party no.2 that though it is true that the matter has been settled and the informant-Opposite Party no.2 is living in her sasural with the petitioner who is at the moment on provisional bail, however, there is serious apprehension that when the provisional bail of the petitioner is confirmed, the accused persons may start to torture the informant once again.

6. In response, it is submitted by learned counsel for the petitioner that the apprehension is misplaced. The matter having been settled between the parties, the petitioner undertakes to look after the informant.



7. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, in view of the development which has taken place during pendency of this application together with the assurance given on behalf of the petitioner that the petitioner will look after the informant in future also, the provisional bail granted to the petitioner in connection with Darbhanga Mahila P.S. Case no.82 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga is hereby confirmed.

(Partha Sarthy, J)

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