

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.135 of 2024

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHILA P.S. District- Purnia

Abdul Ali @ Bablu Son Of Abdus Subhan R/O Village- Kalambaari,
Chaulhar, P.S.- Azamnagar, District- Katihar.

... .. Petitioner/S

Versus

1. The State of Bihar.
2. Angoori Khatoon D/O Muslim Pradhan R/O Village- Kalambaari, Chaulhar,
P.S.- Azamnagar, District- Katihar, Presently Resident Of Village-
Mahananandapara P.S.- Paregram, District- Uttar Dinajpur (WEST Bengal)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ejaz Akhter, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Mahila

P.S. Case No. 52 of 2022, registered for the offences

punishable under Sections 376, 504, 506, 498(A)/34 of



the Indian Penal Code.

3. The allegation against above named petitioner is to commit rape upon the informant, where after investigation, the police submitted charge sheet under Section 498A of the Indian penal Code.

4. Learned counsel appearing on behalf of the petitioner submitted that the opposite party no. 2/informant concealed the material fact before lodging the FIR that she already solemnized marriage with petitioner, much prior to the alleged FIR i.e. about 3 years ago. It is submitted that the fact came into the knowledge of investigating agency during investigation. Upon which, the charge sheet was submitted under Section 498A of the Indian Penal Code, taking note of matrimonial discord between the parties. It is pointed by learned counsel that the dispute between the parties now settled with intervention of the well wishers of both sides and consequently, both parties dissolved their marriage, out of their own free will after paying the permanent



alimony/Den Meher as per their personal law,

5. Learned APP duly assisted by learned counsel Mr. Rupesh Kumar, appearing on behalf of the opposite party no. 2 affirmed the submission as advanced by learned counsel for the petitioner and submitted that the dispute between the parties now appears settled.

6. Considering the aforesaid facts and circumstances and by taking note of fact, as the police submitted charge-sheet under Section 498A of the Indian Penal Code, where the dispute between the parties now appears settled, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia/concerned Court, where the case is pending in



connection with Mahila P.S. Case No. 52 of 2022,
subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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