

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77115 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- SIKTI District- Araria

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Md. Shabbir @ Md. Shabbir Ansari S/O Tahir Hussain R/O Vill.- Saidabad,
Tola Belguri, P.S. Sikti, District- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. Nazar Bano D/O Late Ratan Ali R/O Vill.- Saidabad, Tola Belguri, P.S. Sikti,
District- Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Md. Naushad Uzzoha, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 Heard learned counsel for the Petitioner and learned
APP for the State.

2. The Petitioner apprehends his arrest, in connection
with Sikti P.S. Case No. 259 of 2023 dated 04.10.2023,
registered for the offences punishable under Sections 376, 498A
and 506 of the Indian Penal Code.

3. Learned counsel for the petitioner and learned
counsel for the Opposite Party No. 2 jointly submit that the
dispute between both the parties have been settled. The marriage
was solemnized between the petitioner and the Complainant
against the will of the petitioner and hence, the marriage is not
working and, therefore, the marriage has been dissolved by



divorce with mutual consent. They further submit that the petitioner and Opposite Party No. 2, both, are living separately and Complainant has solemnized even second marriage with one Mahtab Alam.

4. It is also stated in paragraph no. 2 of the bail petition that the Petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

5. It has also been stated in paragraph no.3 of the bail petition that the Petitioner has no criminal antecedent.

6. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

7. Considering the fact that settlement has already been arrived between the parties and the marriage has been dissolved by divorce with mutual consent, **this application is allowed**, directing the Petitioner, above named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Araria, in connection with Sikti P.S. Case No. 259 of 2023 , subject to the conditions as laid down under



Section 438 (2) Cr.P.C and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioner has given wrong statement regarding his criminal antecedents, learned court below shall cancel the bail bond of the Petitioner after hearing him and getting satisfied that the Petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bond of the Petitioner.

(Jitendra Kumar, J)

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