

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4446 of 2015

Arising Out of PS.Case No. -398 Year- 2013 Thana -SITAMARHI COMPLAINT CASE
District- SITAMARHI

- =====
1. Md. Nasim Ansari Son of Shakur Ansari
2. Rehana Khatoon Wife of Late Md. Abdul Ansari Both Resident of
Village - Hanuman Nagar P.S- Sursand District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 03-02-2015 Heard learned counsel for the petitioners, learned
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No. C-1/398/2013 in which cognizance has been
taken for the offences punishable under Sections 498A, 323, 341,
379 of the Indian Penal Code.

Petitioner no. 1 is husband whereas petitioner no. 2 is

second wife of petitioner no. 1 and admittedly, the marriage of complainant had taken place in the year 2000 and furthermore, after death of her elder brother in law, her husband i.e. petitioner no. 1 solemnized his second marriage with petitioner no. 2, who happened to be elder gotini of the complainant. Moreover, second marriage of petitioner no. 1 was performed four years ago and the complainant did not raise any objection at the time of solemnization of second marriage of the petitioner rather she adjusted herself and started residing with the petitioner no. 1.

The grievance of the complainant is that after solemnization of second marriage, the petitioner no. 1 started neglecting her and lastly she was ousted from her matrimonial home.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let petitioner no. 2, namely, Rehana Khatoon, in the event of her arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Pupri at Sitamarhi in Complaint Case No. C-1/398/2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.



So far as petitioner no. 1 is concerned, he must surrender before the court of learned Sub Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Complaint Case No. C-1/398/2013 within four weeks from the date of receipt/production of copy of this order to the court concerned and seek regular bail and if he does so, the concerned court shall release the petitioner no. 1 on provisional bail for the period of four months on the day of his surrender on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner no. 1, the concerned court shall issue notice to the petitioner no. 1 as well as complainant fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within the above stated period of four months. It goes without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner no. 1 shall be confirmed by the concerned court itself, but if the concerned court fails in his attempt due to rigid and non cooperative approach of the petitioner no. 1, the provisional bail granted to him shall not be confirmed by the concerned court and in that event petitioner no. 1 shall be taken into custody by the concerned court. It is needless to say that, if, the concerned court fails in his attempt due to non

cooperative and rigid approach of the complainant, the concerned court shall confirm the provisional bail granted to the petitioner no. 1.

(Hemant Kumar Srivastava, J)

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