

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51091 of 2014

Arising Out of PS.Case No. -2021 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Nasruddin Ansari son of Ramjan Ansari @ Ranjan Mian resident of village-
Manjhariya, P.S. Vijaipur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Nasima Khatoon, wife of Nasaruddin Ansari, daughter of Raja Hussain
Ansari, presently residing at Tarwa Khemraj, P.S.- Fulwariya, District-
Gopalganj

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-05-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-498A and 406 of the Indian Penal Code that the petitioner earlier before the court below had categorically refused to restore the relationship with his wife, Opposite Party No. 2 and thereafter on rejection of the prayer of anticipatory bail had deliberately kept on absconding for a period of 16 months, this Court would not find the petitioner entitled for privilege of anticipatory bail.

At this stage learned counsel for the petitioner has submitted that now the petitioner wants to amend his deed

and would be prepared to keep his wife Opposite Party No. 2 along with the children with due care and dignity.

This Court prima facie is not satisfied with such second thought of the petitioner, inasmuch as, before the Court below he had categorically refused to have any relationship with the wife, Opposite Party No. 2.

In such circumstances this Court would direct that if the petitioner namely, **Nasruddin Ansari** surrenders on **11th June, 2015**, with a prior one week notice to the lawyer of the complainant so that complainant also appears on **11th June, 2015**, he would be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Judicial Magistrate, 1st Class, Gopalganj** in connection with **Complaint Case No. 2021 of 2012**, on the following terms and conditions:-

(i) The petitioner shall surrender before the Court below on **11th June, 2015** on which date the wife, Opposite Party No. 2 along with children shall also remain present in the Court and if the petitioner



gives a written undertaking for keeping his wife, opposite Party No. 2 along with the children with due respect and dignity, the petitioner will be granted provisional bail initially for a period of two months.

(ii) The petitioner shall again after expiry of period of two months shall appear before the trial Court and the trial Court will make inquiry from Opposite Party No. 2, the wife, as to whether she and her children were subjected to any cruelty, mentally or physically by her husband or his family members. In the event of an answer in negative the provisional bail of the petitioner shall be extended for a period of four months and if the Opposite Party No. 2 alleges any further episode of mental or physical torture by the petitioner or his family members, the provisional bail of the petitioner shall be immediately cancelled and he should be taken into custody.

(iii) This exercise of verification from the wife and the surrendering of the petitioner on completion of two month of provisional bail shall continue for a



period of one year and if the trial Court after one year finds that there is no complain of mental or physical torture by the wife, opposite party no. 2, against the petitioner or his family members, his such provisional bail on continuing for a period of one year shall be confirmed.

(iv) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(v) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(vi) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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