

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15836 of 2015**

Arising Out of PS.Case No. -2084 Year- 2014 Thana -SIWAN COMPLAINT CASE District-  
SIWAN

Naseem Alimullah Ansari @ Naseem Ahimullah Ansari, son of Alimullah Ansari Resident of Village - Kasturi Park, Room No. A /304, 3rd Floor, Tirupati Nagar, Phase - 1, Near Banjara Hotel, Virar (West) Tahsil - Vasai, District - Thane (Maharastra).

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Rabiya Khatoon wife of Naseem Alimullah Ansari, D/o Qayamuddin Ansari Resident of Village - Miya Gundi, P.O. - Daraila, P.S. - Guthani, District - Siwan.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

03/ 24-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 406/34 of the Indian Penal Code and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the

petitioner that the petitioner divorced the complainant as per Muslim rites on 10.07.2014 and thereafter the present complainant was filed on 23.07.2014.

Counsel for the complainant submits that the complainant denies the factum of divorce and she is ready to resume the conjugal life.

The marriage between the petitioner and the complainant having no issue is not in dispute.

Considering the fact that the factum of Talak is in dispute, let the above named petitioner be released on anticipatory bail provisionally for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Siwan in connection with Complaint Case No. 2084 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry with regard to factum of Talak. If the learned court below comes to a conclusion that the petitioner has divorced the complainant then the provisional bail will be confirmed by



the learned court below, but if the learned court below comes  
a conclusion otherwise then the petitioner will surrender and  
pray for regular bail.



**(Dinesh Kumar Singh, J.)**

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