

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48228 of 2014

Arising Out of PS.Case No. -368 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Md. Rijwan Ahmad Ansari @ Md. Rijwan Ansari Son of Late Md. Fakruddin Resident of Pethia Bazar, P.S. + P.O.- Phulwari Sharif, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Musarrat Jahan Wife of Md. Rijwan Ansari D/o Md. Navasherava Resident of Chunauti Kuan, Bauli Mohalla, P.S. + P.O.-Phulwari Sharif, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Dilbar Krishna

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 30-07-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State and learned counsel for the complainant.

Petitioner apprehends his arrest in connection with Complaint Case No. 368 © of 2013 registered for the offences punishable under Sections 498A and 323 of the Indian Penal Code.

Petitioner happens to be husband of the complainant and admittedly, the marriage of petitioner was solemnized with the complainant on 01.12.1997 and the present case has been filed in the year 2013, that is, after 16 years of the marriage. It appears from perusal of the complaint petition that after marriage, complainant gave birth to two female children. The stand of the

complainant is that the petitioner subjected her to cruelty as her father failed to transfer two shops in his favour but admittedly, petitioner is 4th class government employee and the complainant also works as a Nurse.

It would also appear that earlier the dispute between the parties was referred to Mediation Centre, Patna High Court, Patna, but learned Mediator vide his report dated 28.07.2015 reported that the mediation proceeding could not succeed as the complainant was not ready to live with the petitioner and she also ignored one time settlement.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his 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 Chief Judicial Magistrate, Patna in Complaint Case No. 368 © of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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