

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35891 of 2016

Arising Out of PS.Case No. -498 Year- 2007 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

Bibi Momeda Khatoon Wife of Sri Abdul Hakim resident of Village -
Bansar, P.S. - Srinagar, District - Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. Fulwash Khatoon Wife of Sri Abdul Hakim resident of Village - Bansar,
P.S. - Srinagar, District - Purnea.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sunil Kumar Pandey

=====

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

ORAL ORDER

2 22-08-2016

Heard learned counsel for the parties.

The petitioner being the second wife of the husband of
the complainant is apprehending his arrest in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under sections 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner
that the thrust of accusation is against the husband of the
complainant. Though the petitioner was granted anticipatory bail
by a Co-ordinate Bench of this Court vide order dated 15.9.2008
passed in Cr.Misc.No. 16779/2008 but since the petitioner was not

aware about his surrender, she could not surrender before the learned court below.

In view of the fact that the petitioner was allowed anticipatory bail earlier, this anticipatory bail application is not maintainable.

However, the casual manner in which the Stamp Reporter has acted while doing the stamp reporting is deprecated. The attention of this Court should have been drawn by the Stamp Reporter to the fact that earlier anticipatory bail petition was rejected by this Court vide order dated 15.9.2008.

Since the petitioner was granted anticipatory bail earlier by the order dated 15.9.2008, it is a case for consideration of the prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 498/2007 pending in the court of Sri R.K.Sinha, Judicial Magistrate, 1st Class, Purnea.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

Surendra/-

U			
---	--	--	--