

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8055 of 2015

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1. Md. Muslim Ansari, Son of Khairuddin Ansari,
2. Khairuddin Ansari, Son of Late Birahim Ansari,
3. Najeeran Khatoon, Wife of Khairuddin Ansari,

.... Petitioner/s

Versus

1. The State of Bihar
2. Rukshana Khatoon, Wife of Md. Muslim Ansari,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Advocate

For the Opposite Party/s : Mr. R.S.Choudhary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 26-10-2016

Heard the learned counsel for the petitioners and the

State.

The present application has been filed for
modification of the order dated 24.07.2014 passed in Criminal
Miscellaneous No.23325/2013 in connection with Complaint
Case No.530C/2011, pending before the learned SDJM, Buxar,
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under sections 498A of
the Indian Penal Code and 3/4 of the Dowry Prohibition Act,
whereby petitioner no.1 being husband of complainant was
granted provisional anticipatory bail for one year, on submission
to keep the complainant as wife with full dignity and honour also
both sides agreed to appear before the learned Court below on



04.08.2014 when petitioner no.1 was to take the complainant to keep her as wife. Considering the stand of petitioner no.1, the parents of parents of petitioner no.1 were granted anticipatory bail. The provisional anticipatory bail of petitioner no.1 was to be confirmed by the learned Court below in three eventualities i.e., (i) on substantial restoration of matrimonial harmony within one year (ii) or if the complainant fails to appear before the learned Court below (iii) or if the matrimonial harmony is not restored due to deliberate action or inaction of the complainant.

Both sides agreed to appear before the learned Court below on 04.08.2014, but the petitioner no.1 could not appear before the learned Court below as he was suffering from some fracture injury. Now, petitioner no.1 is ready to appear before the learned court below and to keep the complainant as wife with full dignity and honour.

It is submitted by learned counsel for the complainant that petitioner no.1 is not appearing in the maintenance proceeding also and now the complainant is not ready to accept the offer of petitioner no.1, though she is ready to resolve the issue on payment of one time settlement amount.

Keeping in view of the present inconsistent stand of petitioner no.1 and opposite party no.2, this Court is not inclined

to consider the prayer for modification.

However, let the learned Court below consider the prayer for regular bail of the petitioner no.1 keeping in view of the fact that the complainant is ready to resolve the issue on payment of one time settlement amount, and if need be refer the matter for mediation.

(Dinesh Kumar Singh, J)

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