

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28500 of 2016

Arising Out of PS.Case No. -2350 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

Majhar Ansari Son of Abbas Ansari, Resident of Village- Sohail Gajan,
Police Station- Baniyapur, District- Saran Petitioner/s

Versus

1. The State of Bihar
2. Mehru Nisha, Daughter of Barkat Hussain Ansari, Resident of Village-
Jaitpur, Police Station- Daudpur, District- Saran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 25-10-2016 Heard learned counsels for the petitioner, State
and the informant.

The petitioner being 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 Section 498A of
the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant on 01.07.1996 but subsequently, when the complainant deserted the petitioner, the petitioner gave talak to the complainant in the year 2002 and paid Den Mohar amount.

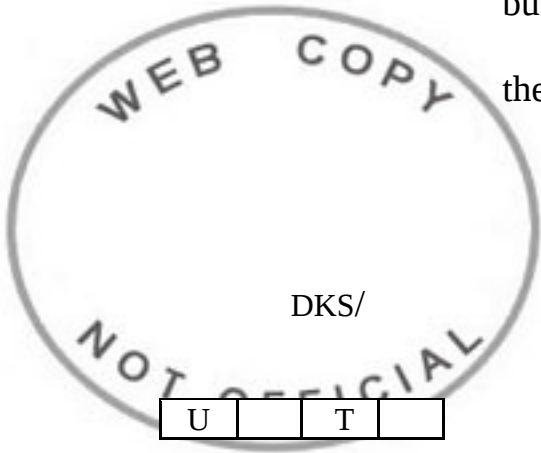
Counsel for the complainant submits that the complainant denies the factum of Talak and is ready to resume the conjugal life.

Considering the above submissions of the parties since 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, Saran at Chapra in connection with Complaint Case No. 2350 of 2013 corresponding to Tr. No. 2049 of 2016, 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 it is found that the petitioner has given talak to the complainant effectively then the



provisional bail will be confirmed by the learned court below,
but if the learned court below comes to a conclusion otherwise
then the petitioner will surrender and pray for bail.



DKS/

(Dinesh Kumar Singh, J.)

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