

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32820 of 2017

Arising Out of P.S.Case No. -121 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Md. Shamim Anwar @ Shamim Anwar son of Jahirul Islam @ Jaharul Islam Khan R/o Mohalla - Nakched Tola, Police Station - Town (Motihari), District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Nasrin Pravin wife of Md. Shamim Anwar @ Shamim Anwar, D/o Md. Rahim At present R/o Mohalla - Beli Sarai, Police Station - Town (Motihari), District - East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate
For the Opposite Parties : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 20-07-2017 Heard both sides.

The Opposite Party No.2 filed a complaint case on the file of CJM, Motihari which was sent to P.S. where Motihari Town P.S. case no.121 of 2016 was registered under Sections 341, 323, 307 and 498A of the IPC and Section 3/4 of the Dowry Prohibition Act.

The anticipatory bail prayer of this petitioner was allowed provisionally by order dated 20.05.2016 by one of the coordinate Bench of this Court in Cr.Misc.No.22713 of 2016. It was ordered that the provisional bail of the petitioner will be



confirmed by the court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue:-

“That the petitioner is ready to keep his wife/informant with all respect and dignity for which the petitioner has filed matrimonial case against the informant vide matrimonial case no.266 of 2014.”

The matrimonial relations between the parties could not be restored so. It has been submitted that the complainant is not inclined to go at the place of the petitioner. She has again filed a case bearing Motihari Town P.S.Case No.171 of 2017. On rigid attitude of complainant the matrimonial relation could not be restored. The court below finding no chance of restoration of good relationship and also considering the allegation of torture and assault did not confirm the provisional bail. He was remanded to custody on 24.04.2017. The bail prayer was refused by the Additional Sessions Judge-IV also on 08.06.2017. The Opposite Party No.2 filed another case also against the petitioner vide Motihari Town P.S.Case No.171 of 2017. The learned counsel for the petitioner submits that filing of case, by the complainant one after another shows that the Opposite Party No.2 is adamant to harass the petitioner and not willing to go at his place.

Considering the facts and circumstances of the case and the fact that the petitioner remained in custody for about three months, his prayer for bail is allowed. Let the above named



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petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, East Champaran at Motihari in connection with Motihari Town P.S.Case No.121 of 2016.

(Sanjay Kumar, J)

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