

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33572 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Md. Sadaf @ Mohd. Sadaf, Son of Zahoor Mohammad, Resident of House
No.189, 239, Roshan bag, P.S.-Khuldabad, District-Allahabad (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar
2. Bilkis Parween, Daughter of Phakhare Alam, Resident of Dhumnagar,
P.S.-Shikarpur, District-West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 08-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mahila (Bettiah)
P.S. No. 04 of 2017 instituted for the offence under Sections 341, 323,
379, 498A, 504/34 of the Indian Penal Code and Sections 3 and 4 of
Dowry Prohibition Act. As per written report, marriage took place in
the year 12.04.2016 and the girl has been ousted from her sasural.

The matter was sent to Mediation Centre but mediation
has failed. Thereafter, the case was kept in Chamber on 07.11.2017. On
that day both husband and wife has appeared in Chamber. The wife
(opposite party No.2) was ready to live with the petitioner on any terms
and condition, but the petitioner was adamant not to live with his wife
(opposite party No. 2).

It has been submitted that Petitioner is husband of the



informant (opposite party No.2). It has further been submitted that he had already given divorce to his wife (opposite party No.2), in support of which, Annexure 4 has been filed.

From perusal of Annexure-4, this Court finds that the divorce was just unilaterally sent by the petitioner. Thereafter, second supplementary affidavit has been filed by the petitioner stating therein that he has communicated the divorce to the opposite party No. 2 through registered post on 10.02.2017 and filed Matrimonial suit No. 569 of 2017 in Family Court, Allahabad on 21.04.2017 vide Annexure-11 of second supplementary affidavit. As such the matter of divorce is still subjudice.

From talk of this petitioner (husband), this Court does not find any justifiable reason for refusal by the petitioner to keep his wife, when she is ready to live with him on any terms and conditions.

Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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