

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17173 of 2017

Arising Out of PS. Case No.-197 Year-2016 Thana- MAHILA P.S. District- Bhojpur

Arif @ Arif Jamal S/o Md. Sayeed, R/o village - Bazar Dinha, 44/95,
Ramapura, P.S. Luxa, District - Varanasi (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rokaiya Khatoon, D/o Ali Haider, R/o Mohalla - Tari Mohalla, P.S. Ara Town, District - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. SRI BINOD KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-11-2017 Heard learned counsels for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under sections 498A and 506/34 of the IPC and sections 3 and 4 of Dowry Prohibition Act.

The petitioner being the husband of the informant was granted provisional anticipatory bail for three months vide order dated 30.8.2016 passed in Cr. Misc. No. 20437 of 2016 in a case registered for the offences punishable under Sections 498A, 504 and 506/34 of the IPC and sections 3 and 4 of Dowry Prohibition Act on the ground that since the issue could not be resolved during mediation and the petitioner claimed to have given Talaq to the informant, however, the informant denied the factum of talaq with a liberty to the learned court below to confirm the provisional anticipatory bail of the petitioner, on prima facie, coming to a finding that the petitioner has given



talaq to the informant but if the learned court below comes to the conclusion otherwise then the petitioner was supposed to surrender and pray for regular bail.

It is submitted that the factum of Talaq given to the informant by the petitioner could not be ascertained since the informant could not appear before the learned court below. Hence the present application.

Since the period of provisional anticipatory bail of the petitioner got lapsed on 29.11.2016 and the present application has been filed on 6.4.2017, this Court is not inclined to revise the earlier order. However, keeping in view the fact that the factum of Talaq is in dispute and the petitioner has enjoyed the privilege of provisional anticipatory bail for a considerable period, it is a case for consideration of the prayer of the petitioner for regular bail in case the petitioner surrenders within six weeks in connection with Mahila P.S. Case No.197 of 2016 pending in the court of the learned CJM, Bhojpur at Ara.

With the aforementioned observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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