

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48115 of 2016

Arising Out of Complaint Case No.2884 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

Md. Anis, son of late Sakir, resident of village -Hatgachi, Police Station-
Dagaruwa, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Juhi, wife of Md Anis, daughter of Md. Rehman, r/o Dubaili P.S-
Dagaruwa, Ditt- Purnea

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate.

For the Opposite Party/s : Mr. Nityanand Tiwary, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 02-03-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in C.A. Case No.
2884 of 2015 instituted for the offence under Section 498-A of the
Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.
- Petitioner is the husband of the complainant. There is
allegation against the petitioner that he earlier performed marriage
with sister of the complainant. Later on, she was killed by the
petitioner. Thereafter, he developed intimacy with the complainant
and performed marriage with her. After marriage, one daughter is
born to the complainant. The petitioner after birth of a daughter,
started making demand of Motorcycle and Rs.50,000/- and
ultimately, ousted her from the matrimonial home after assaulting



for non-fulfillment of aforesaid demand.

The Sessions Judge has mentioned in the impugned order that the submission has been made on behalf of the petitioner that he has performed another marriage with Bibi Najina. However, he stated that he is ready to keep his wife.

A notice has been issued to opposite party No. 2 which was validly served, but none appears on her behalf.

In such circumstances, the anticipatory bail application of the petitioner is disposed off with a direction to the petitioner to surrender before the court below within a period of four weeks from today and make prayer for regular bail along with an affidavit that he will keep his wife with full honour and dignity and in that event, the court below will enlarge the petitioner on provisional bail for a period of six months and issue notice to the complainant and try to reconcile the matter between the parties by calling them in court every month. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal rights could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner shall be confirmed.

It is made clear that in the event the court below finds



that wife makes complaint against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband, but the husband is not ready to take her, the court below will be at liberty to pass appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner without taking into consideration the aforesaid observations of this Court.

With aforesaid observations, the application is disposed off.

S.Ali/-

(Sanjay Priya, J)

U		T	
---	--	---	--

