

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6105 of 2017

=====

Md. Shahjahan Alam @ Shahjahan Alam, son of Md. Shamsul, resident of village- Kahra, Ward No. 24, P.S. Nagar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rashida Khatoon, wife of Shahjahan Alam, daughter of Late Md. Jabbar, Resident of village-Kurha, Police Station- Sahebpur Kamal, District- Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 10.05.2017

Heard learned counsel for the petitioner and the State.

The present application has been filed for modification of the order dated 04.07.2016, passed in Cr. Misc. No. 27600 of 2016 to the extent of confirmation of provisional anticipatory bail of the petitioner.

The petitioner being the husband of the complainant was granted provisional anticipatory bail, vide order dated 04.07.2016, passed in Cr. Misc. No. 27600 of 2016 in a complaint case wherein process has been directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code on the submission that though the petitioner has given talaq



to the complainant but he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the main petition which reads as follows:-

“10. That although the petitioner has claimed to have divorced her on account of rude/careless behaviour yet the petitioner is willing to keep her as wife with all dignity, honour and respect.....”

In the circumstances, learned court below was directed to issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail was to be confirmed by the learned court below in three eventualities (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner could not take the complainant to the matrimonial house since the petitioner has already given talaq to the complainant.

Considering the inconsistent stand of the petitioner, this Court is not inclined to interfere.



Let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 15893 of 2014, pending in the court of learned SDJM, Begusarai.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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

