

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19625 of 2017

Arising Out of PS.Case No. -122 Year- 2011 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Zareful Rahman @ Jarifur Rahman Son of Late Abdul Qayum , Resident of
Village- Bagheli, P.S.- Jadia, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjum Ara Wife of Jarifur Ramhan, Daughter of Md. Yusuf, Presently
Residing at Village- Raibhir, Tola , Najirabad, P.S.- Shankarpur,
District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 10.05.2017

Heard learned counsel for the petitioner and

Mr. J.N. Thakur, learned counsel for the State.

The petitioner has renewed the prayer for
anticipatory bail in a complaint case, wherein, process has been
directed to be issued after cognizance being taken for the offences
punishable under Sections 498A and 323 of the Indian Penal
Code.

The basic accusation is of torture.

The petitioner being the husband of the
complainant was granted provisional anticipatory bail for one
year, vide order dated 20.03.2012, passed in Cr. Misc. No. 8301 of
2012 on the submission that he is ready to keep the complainant as



wife with full dignity and honour. The learned court below was directed to issue notice to the complainant and on her appearance, the petitioner was supposed to take the complainant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned court below on substantial restoration of the matrimonial harmony within a period of one year, or if the complainant deliberately refuses to reside with the petitioner. The provisional bail of the petitioner has never been confirmed. Moreover, period of the provisional bail of the petitioner got lapsed on 19.03.2013 and the present anticipatory bail application got registered on 20.04.2017.

It is submitted by learned counsel for the petitioner that the petitioner has challenged the order of cognizance in Cr. Misc. No. 12413 of 2012, wherein, vide order dated 18.12.2012 the matter was referred to Mediation & Conciliation Centre, Patna High Court and the further proceeding of Complaint Case No. 122 of 2011 was directed to be stayed but the quashing application was ultimately dismissed, vide order dated 09.11.2016, passed in Cr. Misc. No. 12413 of 2012, as contained in Annexure-4. Since, the petitioner did not take any initiative for confirmation of provisional bail and took the complainant to her matrimonial house in pursuance to order dated



20.03.2012 passed in Cr. Misc. No. 8301 of 2012. Hence, the present fresh anticipatory bail application has been filed. It is further submitted that the petitioner is suffering from serious cardio and neuro problem hence he could not comply the order of this Court.

It appears that the petitioner was granted provisional anticipatory bail vide order dated 20.03.2012 passed in Cr. Misc. No. 8301 of 2012 for one year and the further proceeding was stayed by a Bench of this Court vide order dated 18.12.2012 passed in Cr. Misc. No. 12413 of 2012 meaning thereby the petitioner did not bother to take any initiative to comply the undertaking given before this Court for nine months.

Considering the fact that the period of provisional bail got lapsed on 19.03.2013 and the present anticipatory bail application was registered on 20.04.2017, this Court is not inclined to interfere. However, this order will not preclude the learned court below to consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 122 of 2011 pending in the court of learned SDJM, Madhepura keeping in view of the submissions even made today that the petitioner is ready to keep the complainant as wife with full dignity and honour.



Accordingly, this application is disposed of
with the above observation and direction.

(Dinesh Kumar Singh, J)

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