

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29391 of 2017

Arising Out of PS.Case No. -2718 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

- =====
1. Md. Israil, son of Shah Safique, resident of village- Chilhania Bagnagar,
Police Station- Jokihat (Mahaigaon), District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shahjadi, w/o Shah Israil, resident of village- Chilhania Bagnagar,
Police Station- Jokihat (Mahalgaon), District- Araria, at present village-
Domariya, P.O.- Tarbi, Police Station- Palasi, District- Araria.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

Mr. Gopal Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 22-08-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.2718-C of 2015 instituted for the offence under
Section(s) 498-A Indian Penal Code.

Today, the case is fixed for hearing in Chambers.

Husband is present but the wife has not appeared.

Petitioner-husband has stated that he is ready to
keep the wife with full dignity.

From the report of the Mediator, it appears that the
wife-Opposite Party No.2 did not appear in the Mediation Centre.

It has been submitted that the petitioner had filed



petition for restitution of conjugal rights before the Principal Judge, Family Court, Araria. The wife-Opposite Party No.2 did not appear in the aforesaid proceeding and final order was passed by the Principal Judge, Family Court, Araria, in that proceeding on 28.07.2016, directing the wife-Opposite Party No.2 to resume conjugal life with the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.2718-C of 2015, he shall be released on anticipatory bail on furnishing bail bond of ` 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to



move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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