

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55433 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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Md. Afjal Hussain @ Raja Babu @ Afjal Hussain, son of Md. Rafique Alam, resident of Village- Piprahi, police station & Post office- Raghapur, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rabiya Bano, wife of Md. Afjal Hussain @ Afjal Hussain @ Raja Babu, daughter of Md. Hadish, resident of village Piprahi, P.S. Raghapur, Distt. Supaul at present residing at Supaul Nagar Parishad, Ward No. 10, P.S. & Distt. Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 06-09-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Supaul P.S.

Case No. 103 of 2016 instituted for the offence under Sections 498A, 323, 448, 313, 504, 506, 307/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

This matter is pending since 23.12.2016. The petitioner is husband of the informant (opposite party No. 2). Earlier the matter was sent to Patna High Court Mediation Centre for reconciliation, but mediation has failed.

Both husband and wife were present in Chamber of Hon'ble Judge on 11.05.2017 for one time settlement. Thereafter,



from order dated 30.06.2017 it appears that both the spouses have gone together to live and the case was again listed on 21.08.2017. On 21.08.2017, the husband did not appear whereas the wife (opposite party No.2) appeared and complained that the husband (petitioner) has brutally assaulted her when she went to live with him in the matrimonial home.

Today, a supplementary affidavit has been filed by the petitioner stating therein that he could not arrive within time on the date fixed by the Hon'ble Court in Chamber, for the reason mentioned in the supplementary affidavit. The coordinate Bench of this Court was pleased to pass the order recording therein that petitioner was not present.

The counsel for the opposite party No. 2 has pointed out about counter affidavit filed in the original bail petition wherein it is mentioned that the girl was brutally assaulted and she sustained several injuries and dislocation of left side collar bone. She was treated in DMCH.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and



make prayer for regular bail.

In the event if the petitioner gives offer for one time settlement in the court below or become ready to keep the wife, the court below will consider the prayer of the petitioner in accordance with law after issuing notice to the opposite party No. 2, without being prejudiced by this order.

(Sanjay Priya, J)

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