

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1400 of 2017

Arising Out of C.R. Case No. -1163 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Gaffar Hemayun Sikandar @ Gaffar Humayun Sikandar @ Humayun
Gaffar Sikandar, Son of Mohd. Mustafa, Resident of Village - Rajwa,
Police Station - Bangra, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jishan Farzana, Wife of Gaffar Hemayun Sikander @ Gaffar Humayun
Sikandar @ Humayun Gaffar Sikandar, D/o Chaudhary Manjur Hasan,
At present Resident of Village- West Bilaspur, Police Station -
Hayaghat , District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in C.R. Case
No.1163 of 2014, T.R. No. 2767/6 instituted for the offence under
Sections 323, 379, 498(A), 504/34 of the Indian Penal Code and
Sections 3/4 of Dowry prohibition Act.

It has been alleged against the petitioner that the
husband of the complainant committed sexual and mental torture
with the complainant. It has also been alleged that he has
performed second marriage.

The Sessions Judge has mentioned in the impugned
order that in spite of order of the court to submit passport and



Visa, the petitioner has violated the order of the court and avoided his presence for further reconciliation before the court below. The learned Sessions Judge has mentioned in the impugned order that such conduct of the petitioner shows that he is not willing to keep his wife.

During argument, it has been submitted on behalf of the petitioner that at present the petitioner is in U.A.E. In this situation, this Court finds that after violating the order of the court below, the petitioner moved to foreign country and also committed physical and mental cruelty with the informant.

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

The prayer for anticipatory bail of the petitioner stands rejected.

The court below is directed to take appropriate step against the petitioner for violating the order of the court below for not submitting the passport and visa and moving to foreign country without permission of the court.

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(Sanjay Priya, J)

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