

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37401 of 2016

Arising Out of PS.Case No. -1521 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

Md. Zahir Son of Md. Soyibur Rahman, Resident of village Shobhaganj,
Police Station – K. Hat (Maranga), District – Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sabina Khatoon Daughter of Md. Sultan, Resident of Village
Matiya, Police Station – Sadar (Muffasil, District – Purnea.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

=====

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

ORAL ORDER

07/ 10-03-2017

Heard learned counsels for the petitioner,

complainant-opposite party no. 2 and Mr. J.N. Thakur, learned
counsel for the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code.

The basic accusation is of torture and
performance of second marriage with one Bibi Bulan Khatoon.

The petitioner and the complainant are present
in the Court.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of five children. Two children are residing with the petitioner and three children are residing with the complainant. It is further submitted that the petitioner has not performed second marriage, though statement to that effect has not been made in the petition, but since the complainant has illicit relationship with Md. Sitabur, hence the petitioner lodged sanaha at earlier point of time. In the circumstances, the petitioner is not ready to keep the complainant.

It is submitted by learned counsel for the complainant that in spite of the fact that the petitioner has performed second marriage, complainant is ready to resume the conjugal life. She has been pushed to destitution and vagrancy since the petitioner has deserted her. The parents of the petitioner and the two children, who are residing with the petitioner, are offering the complainant to come to matrimonial house to reside but she is unable to accept this offer since the petitioner is not allowing her to enter into the matrimonial house.

Considering the fact that the matter is adjourned since 29.08.2016 allowing the petitioner to resolve the issue but



petitioner is reluctant to reconcile, hence, 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. 1521 of 2015 pending in the court of learned Judicial Magistrate, Ist Class, Purnea.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

DKS/

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

