

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15749 of 2017

Arising Out of PS.Case No. -1872 Year- 2015 Thana -COMPLAINT CASE District- JAMUI

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1. SUFIYAN ANSARI @ MD. SUFYAN ANSARI, S/o Imamul Ansari @ Imamul Haque, resident of village- Sabal- Bigha, P.S.- Sikandara, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandani Khatoon, W/o Md. Sufiyan Ansari, D/o Md. Ibrahim, resident of mohalla- Purani Chetti, P.S.- Khaira, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Tiwary, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

Mr. Gagan Deo Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 21-08-2017

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.1872-C of 2015 instituted for the offence under Section(s) 323, 312, 498-A Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Petitioner is husband of the Opposite Party No.2.

The matter was sent to Mediation Centre but mediation failed.

It has been submitted on behalf of the petitioner that the wife-Opposite Party No.2 has taken *Khula* and, therefore, she is no more wife of the petitioner. In support of his submission, counsel for the petitioner has referred to Annexure-2 (*Khula*).



Counsel for the Opposite Party No.2 has submitted that no such agreement (*Khula*) has ever been entered into between the petitioner and the Opposite Party No.2. The Mediator has mentioned in the report that the signature of the Opposite Party No.2 was compared with the alleged signature of the Opposite Party No.2 on *Khula* (Anneuxre-2) and the same does not tally with the signature of the Opposite Party No.2.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed provisionally. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.1872-C of 2015, he shall be released on **provisional anticipatory bail for a period of six months** 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, Jamui, 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.

In the meanwhile, the Court below will get the signature of the Opposite Party No.2 verified with her alleged signature on Annexure-2 (*Khula*) from Forensic Science Laboratory and in the event signature of the Opposite Party No.2 tallies with the signature on Annexure-2 (*Khula*), provisional bail of the petitioner will be confirmed by the learned Court below.

In the event signature of the Opposite Party No.2 does not tally with the signature on Annexure-2, provisional bail of the petitioner will be cancelled.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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