

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37073 of 2018

Arising Out of PS.Case No. -651 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Guddu Quraishi S/o Late Saheb Quraishi, R/o Mohalla- Zafarganj,
Jehanabad, P.S. & District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulapsa Praveen W/o Guddu Quraishi, D/o Feku Quraishi, R/o Mohalla- Zafarganj, Jehanabad, P.S. & District- Jehanabad. At present Residing in Mohalla- Sekhahamchak, Jehanabad, P.S.- Jehanabad, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-06-2018

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner being the husband of the complainant has renewed the prayer for anticipatory bail in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of further demand of dowry.

Earlier the prayer preferred Cr. Misc. No.



17541 of 2016 with a prayer for anticipatory bail and admitted the factum of marriage and birth of two children. However, he claimed to give Talaq through registered letter to the complainant. Hence, the petitioner is ready to remarry with the complainant, if the complainant performs 'Nikah Halala', a marriage which the divorced woman has to perform with another person if she wishes to remarry with her first husband. However, the complainant disputes the factum of talaq and she is ready to resume the conjugal life. On readiness of the petitioner to make payment of Rs.1800/- per month to the complainant from March, 2017 and the acceptance of offer by the complainant, the petitioner was granted provisional anticipatory bail for six months. The provisional bail was to be confirmed by learned Court below in the following eventualities i.e. (i) on substantial restoration of matrimonial harmony within a period of six months or (ii) if the complainant gets reluctant to reconcile the issue or (iii) if the complainant fails to appear before learned Court below.

It appears from the order dated 30.01.2018 passed by learned Sub-divisional Judicial Magistrate, Jehanabad, as contained in Annexure-6, that issue could not be reconciled since the petitioner was reluctant to reconcile the issue and has



performed second marriage subsequent to the grant of provisional bail and in such a circumstance, the provisional bail was not confirmed by the learned Court below.

In view of the discussion made above, this Court is not inclined to entertain the second anticipatory bail application.

Accordingly, this application is disposed of with liberty to the petitioner to surrender within a period of six weeks from today and prayer for regular bail in connection with Complaint Case No. 651 of 2015 pending in the Court of learned Sub-divisional Judicial Magistrate, Jehanabad. On surrender the learned Court below consider the prayer for bail of the petitioner on merits without being prejudiced by the order of this Court.

(Dinesh Kumar Singh, J)

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