

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7485 of 2016

Arising Out of PS.Case No. -160 Year- 2011 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Mahtab Alam @ Md. Mahtab Alam son of Md. Ekbal Ansari, Resident of
village- Khutahan, P.S.- Haspura, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Rehana Khatoon daughter of Md. Shamiula Ansari, Resident of village-
Nartan, P.S.- Haspura, District- Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma

For the Opposite Party/s : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 02-11-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner is aggrieved by an order dated
12.08.2011 passed by S.D.J.M., Daudnagar, Aurangabad in
complaint case no.160/2011 whereby and whereunder he has
been summoned to face trial for an offence punishable under
Section 498A, 494 of the IPC.

It has been submitted at the end of the learned
counsel for the petitioner that he is ready to keep his wife with
full honour and dignity whereupon, the order impugned is fit to
be set aside. It has further been submitted that a petition for
restoration of conjugal right has been filed by the petitioner at
Family Court, Bandra, Mumbai and so, the intention of the
petitioner is found very much exposed. It is the O.P. No.2
petitioner's wife who is neglecting him.

The learned Additional Public Prosecutor opposed



the prayer.

On that very pretext the order impugned could not be quashed moreover is found substantiated by the witnesses and accordingly this petition sans merit and is accordingly rejected.

However, it is made clear that if there happens to be such prayer at the end of the petitioner before the learned lower court, then in that circumstance, the learned lower court will delve upon the issue and if the parties are consenting one, then in that circumstance, will pass appropriate order in accordance with law.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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