

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4397 of 2018

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Majhar Ansari, Son of Abbas Ansari, Resident of Village- Sohail Gajan,
Police Station- Baniyapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mehru Nisha, Daughter of Barkat Hussain Ansari, Resident of Village-
Jaitpur, Police Station- Daudpur, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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

ORAL ORDER

04/ 02-05-2018

Heard learned counsel for the petitioner and

learned counsel for opposite party no. 2.

The present application has been filed for modification of order dated 25.10.2016 passed in Cr. Misc. No. 28500 of 2016, whereby the petitioner being the husband of the complainant was granted provisional anticipatory bail for six months in connection with Complaint Case No. 2350 of 2013, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that, though, the petitioner admits his marriage with the complainant, but when the complainant deserted the petitioner, the



petitioner divorced her by pronouncing talak and paid Dan Mehar amount.

However, learned counsel for the complainant-opposite party no.2 submitted that the complainant denies the factum of talak and is ready to resume the conjugal life.

In view of the conflicting stand of the parties the petitioner was granted provisional anticipatory bail for six months with a direction to the learned Court below to conduct an enquiry with regard to factum of talak and if it is found that the petitioner has given talak to the complainant effectively then the provisional bail was directed to be confirmed, but in the eventuality of the learned Court below coming to a conclusion otherwise, then the petitioner was supposed to surrender and pray for bail.

It is submitted by learned counsel for the petitioner that the orders dated 24.01.2017 and 20.04.2017 passed by learned S.D.J.M., Saran at Chapra, as contained in Annexure-4, reflect that in view of this Court's order the learned SDJM directed for opening of a separate file for conducting enquiry with regard to the factum, which is contrary to the purport of this Court's order. Moreover, no enquiry has been conducted till date. The petitioner furnished bail bond in pursuance to the order of this



Court and he is enjoying the privilege of bail till date since his bail bonds have not been cancelled. Hence, the present modification has been filed for extending the period of provisional bail.

Learned counsel for the complainant-opposite party no. 2, however, submits that he is not opposing the prayer for extending the period of provisional bail for the present since the complainant wants that the learned Court below should conclude the enquiry within a time frame.

In the circumstances, the order dated 25.10.2016 passed in Cr. Misc. No. 28500 of 2016 is modified to the extent that the provisional bail of the petitioner is extended till 31.07.2018. In the meantime, it is expected from learned SDJM, Saran at Chapra to conclude the enquiry as stipulated in order dated 25.10.2016 passed in Cr. Misc. No. 28500 of 2016.

The other conditions for confirmation of provisional bail will remain the same as stipulated in order dated 25.10.2016 passed in Cr. Misc. No. 28500 of 2016.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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