

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73426 of 2018

Arising Out of PS. Case No.-564 Year-2011 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Kasim @ Md. Quasim, Son of Md. Afsar, resident of Village Kusiya
Gaon Kodar Katti, P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Salema, Wife of Md. Kasim alias Md. Quasim, D/o Late Jainul Haque,
Resident of Village- Kusiya Gaon Kodar Katti, P.S.- Araria, District- Araria
at present residing at resident of Village Bansar Naya Tola P.S. K.Nagar (Sri
Nagar) OP District Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Sri Pradeep Narain Kumar

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered for the
offences punishable under Sections 498A of the Indian Penal Code.

Petitioner happens to be the husband of the opposite party no.
2 namely, Bibi Salema and earlier, the anticipatory bail of the petitioner
was rejected by this Court vide order dated 11.11.2013 passed in Cr. Misc.
No. 46935 of 2013.

However, petitioner again filed anticipatory bail before the
learned Sessions Judge on the ground that the parties have already entered
into compromise but the learned Sessions Judge, Purnea refused to grant
privilege of anticipatory bail to the petitioner on the ground that the
offence of 498A is not compoundable offence.



Admittedly, it is matrimonial dispute between the petitioner and opposite party no. 2 and, therefore, in the aforesaid circumstance this petition stands disposed of with direction to the petitioner to surrender before the learned trial court, within six weeks, from today, and if the petitioner does so, the learned trial court shall enlarge the petitioner on provisional bail for a period of two months fixing the amount of bail bonds at his own level. Furthermore, the learned trial court shall verify the genuineness of compromise said to be entered between the petitioner and opposite party no. 2 and if the learned trial court comes to the conclusion that the compromise entered between the parties is a genuine document, the learned trial court shall confirm the provisional bail granted to the petitioner but if it is found that the compromise petition is not genuine document and no compromise has taken place between the parties, in that event, the learned trial court shall not confirm the provisional bail granted to the petitioner and shall pass order on bail prayer of the petitioner on its own merit.

(Hemant Kumar Srivastava, J)

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