

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36795 of 2018

Arising Out of PS.Case No. -73 Year- 2015 Thana -KUCHAIKOTE District- GOPALGANJ

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Nargish Naaz @ Nargis Naaz wife of Imran Hussain, resident of Village- Pachrukhi, PS- Pachrukhi, District- Siwan and also resident of Village- Don Bosco Pada Rana Ghat, PS- Gagnapur, District- Nadia (West Bengal), presently residing as Daughter of Reyazuddin Mian, resident of Village- Rampur Khareya, PS- Kuchaikote, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Imran Hussain, son of Intaf Hussain, resident of Village- Pachrukhi, PS- Pachrukhi, District- Siwan, presently residing at Village- Don Bosco Pada Rana Ghat, PS- Gagnapur, District- Nadia (West Bengal).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 03-10-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The present application has been filed for cancellation of provisional anticipatory bail of opposite party no. 2, Imran Hussain, who being the husband of the informant, was granted provisional anticipatory bail for one year vide order dated 11.08.2015 passed in Cr. Misc. No. 33114 of 2015.

The opposite party no. 2 preferred the aforesaid application with a prayer for anticipatory bail in connection with Kuchaikote P.S. Case No. 73 of 2015 registered



for the offences punishable under Sections 341, 323, 498A, 504/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, pending in the Court of learned SDJM, Gopalganj.

On submission made on behalf of the opposite party no. 2 and statement made in paragraph 10 of the main petition that he is ready to keep the informant-petitioner with full dignity and honour, the opposite party no. 2 was granted provisional anticipatory bail for one year. The learned Court below was supposed to issue notice to the informant and on her appearance the opposite party no. 2 was to take the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional anticipatory bail of the opposite party no. 2 was to be confirmed by the learned Court below in three eventualities (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and iii) or if the informant fails to appear before the learned Court below.

There is nothing on record to suggest that the provisional anticipatory bail has been confirmed by the learned Court below rather the order dated 20.04.2017 passed by learned SDJM, Gopalganj reflects that opposite party no. 2 was granted bail by the learned Court below.



In the circumstances, the learned counsel for the petitioner seeks permission to withdraw the present application to file appropriate application before the learned Court below.

Accordingly, this application is permitted to be withdrawn with the liberty aforesaid.

(Dinesh Kumar Singh, J)

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