

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30005 of 2019

Arising Out of PS. Case No.-1747 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Shahnawaz Ali @ Imteyaz Ali @ Shanwaj Ali, Son of Ali Mohammad
Resident of Village - Juafar, P.S.- Bhagwanpur Hat, District- Siwan. At
present - Deputy Commandant Office Central Unit C.P.S. (C.I.S.F.)- Khairy,
P.S.- Khairy, District- Chamba (Himanchal Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shantra Khatoon, Wife of Shah Nawaz @ Shanwaj Ali @ Emtiyaz Ali ,
D/O- Pan Mohammad @ Mo. Emamuddin Resident of Village - Juafar, P.S.-
Bhagwanpur Hat, District- Siwan. At present resident of Village - Hulesara,
P.S.- Bhagwanpur Hat, District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Rai
For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.1747 of 2018 in which cognizance under
Section 498 (A) of I.P.C. has been taken.

It appears that there is marital discord between the
petitioner and Opposite Party No.2. The matter was referred for
Mediation but dispute between both the parties could not be
resolved, as would be apparent from the record of learned
Mediator dated 07.08.2019.



Pursuant to order dated 14.08.2019, both petitioner as well as Opposite Party No.2, i.e., his wife are present in Court. Petitioner is working as Constable GD in CISF and at present he is posted at Himachal Pradesh. Upon query, petitioner submits that he is ready to keep his wife along with him at Siwan where he has taken small house on rent and will keep her over there for two days thereafter petitioner will proceed for joining his duty at Himachal Pradesh. Opposite Party No.2, i.e., wife of the petitioner agrees to accompany the petitioner to Siwan and submits that she is ready to stay with the petitioner for two days at Siwan but she cannot stay there continuously keeping in mind the security of Opposite Party No.2,. However, the petitioner submits that Opposite Party No.2, i.e., his wife in absence of the petitioner may not stay at matrimonial home inasmuch as there is some misunderstanding between the mother of the petitioner and Opposite Party No.2 he, however, submits that he is ready to bear the living cost of Opposite Party No.2 and keep her at Siwan so long as final accommodation at his place of posting is not provided to the petitioner and petitioner informs that it is expected that within a period of 7-8 months, the quarter / room may be provided as per the seniority of CISF at the place of posting and thereafter will take his wife along with him at the



place of posting. Opposite party No.2, however, is not willing to stay alone in rented house at Siwan and submits that after the petitioner will leave to join his posting at Himachal Pradesh, she will be living along with her parents in the village near Siwan. She further submits that petitioner may be directed to talk to Opposite Party No.2 on phone and may treat her as her legally wedded wife. Both the parties have agreed to settle their dispute amicably and live as husband and wife in future.

Having regard to the undertaking made by the parties and taking into consideration the fact that both the parties are ready to go together from this Court to Siwan for staying together in a rented house taken by the petitioner at least for two days from today and in future also they will live together like husband and wife, as such, I am inclined to grant anticipatory bail to the petitioner, subject to the condition that the petitioner will abide by his statement made before this Court, as stated hereinabove.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Siwan, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

It is made clear that if the petitioner deviates from his statement made before this Court and fails to treat Opposite Party No.2 as his wife in future, the Opposite Party No.2 shall be at liberty to file an appropriate application before appropriate Forum in accordance with law.

(Anil Kumar Sinha, J)

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