

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48926 of 2019

Arising Out of PS. Case No.-62 Year-2017 Thana- HARSIDHI District- East Champaran

ISTEYAQUE KHAN Son of Md. Shahid Khan Resident of Village- Paithan
Patti, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Anjum Ara Wife of Isteyaque Khan, Daughter of Md. Izhar Khan At present
residing at Village- Madani Tola, P.S.- Dhaka, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. Learned counsel for

the Informant is also present.

The petitioner is in custody on his surrender since
10.06.2019 in connection with Harsidhi P.S. Case No. 62/2017
registered for the offence punishable under Sections
498(A)/323/ 504/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

Learned counsel for the petitioner submits that
earlier he had been extended the privilege of anticipatory bail,
but subsequently, since he could not appear in the Court below
as he had gone to Delhi to take up a different job, his bail bonds
were cancelled for want of *pairvi* and, therefore, the petitioner



had to surrender in connection with the present case. He further submits that, till date, the petitioner has all bonafide intentions of keeping his wife with all honour and dignity and he shall ensure that a cordial marital relationship is restored and he will take her and keep her at present in her parental home and thereafter take her wherever he takes up a job. He thus submits that in view of the bonafides intentions, he may be extended the privilege of bail.

Learned counsel appearing on behalf of the informant, however, submits that the petitioner does not deserve the benefit of bail as he has been absenting himself from the Court and for the said reason, his bail bonds were cancelled and, thereafter, he has not made any efforts to restore to his matrimonial relationship. Learned counsel further submits that the opposite party is apprehensive of his behaviour and, therefore, did not want to go back to him, but if the petitioner ensures that he shall behave in a proper manner, she is also willing to go back to him.

Considering the aforementioned facts and circumstances, this Court feels that the petitioner deserves a chance and that if he is kept inside the custody, his matrimonial life may suffer further. It is thus directed that the petitioner



above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 62 of 2017.

It is, however, made clear that if at all there is any recurrence of any untoward incident or any act which amounts to mental cruelty to the opposite party, it shall be open to the opposite party to move this Court for cancellation of the order of the bail. The aforesaid order granting bail to the petitioner shall be subject to the following conditions:-

(1) One of the bailors will be the deponent of the present bail application, who is the maternal uncle of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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