

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69825 of 2019

Arising Out of PS. Case No.-364 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Firoz Hawari, Son of Kashim Miyan, Resident of Village - Balirama, P.S.-
Chhaudadano, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Taslima Khatoon, Wife of Firoz Hawari, D/o Farjan Miyan, Resident of
Village - Jharokhar , Tolaghitrauli, P.S.- Jharokhar, Distt - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-12-2019 Heard learned counsel for the petitioner and learned
counsel for the complainant-opposite party no. 2.

The petitioner and complainant-opposite party no. 2
are present.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 323 and 498A of the
Indian Penal Code.

The prosecution case, as per the complaint petition, is
that the complainant, Taslima Khatoon marriage with the
petitioner, Firoz Hawari was performed on 26.03.2007.



Subsequently, they were blessed with two children. After eight years of marriage there is accusation of demand of further dowry by way of motorcycle. It is also alleged that the petitioner developed some illicit relationship with one Rinku Devi. On protest being made, the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of two children. The accusation is not being corroborated by any evidence on record. Though, the petitioner has filed Matrimonial Suit No. 226 of 2018 with a prayer for divorce which is pending before the Court of learned Principal Judge, Family Court, Motihari, but he is ready to withdraw the same and resume conjugal life and keep the complainant with dignity and honour, but statement to that effect has not been made in the petition.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner.

Both sides agree to appear before the learned Court below on 8th of January, 2020 when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.



Considering the present stand of the parties, the provisional anticipatory bail granted to the petitioner vide order dated 20.11.2019 is extended for further six months in connection with Complaint Case No. C-364 of 2018, pending in the Court of learned Sub-divisional Judicial Magistrate, Raxaul, East Champaran, Motihari.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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