

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56288 of 2019

In
CRIMINAL MISCELLANEOUS No.36088 of 2018

Arising Out of PS. Case No.-334 Year-2017 Thana- BARSOI District- Katihar

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MD. SALIM @ SAMIR SHAIKH @ MD. SAMIR SHAIKH Son of Md. Atik
Resident of Village- Fhuagow, P.S.- Barsoi (Kachna O.P.), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 26-02-2020 Heard.

The present application has been filed for modification of the order dated 28.06.2018 passed in Criminal Miscellaneous No.36088 of 2018.

The petitioner, being the husband of the informant, was granted provisional anticipatory bail for six months, in connection with Barsoi (Kachna O.P.) P.S. Case No. 334 of 2017, pending before the learned SDJM, Katihar, for the offences punishable under Sections 341, 323, 504, 506 and



498A/34 of the I.P.C., on the ground of submission and statement made in paragraph no.6 of the petition to the effect that the petitioner is ready to keep the informant as wife with full dignity and honour and the offer of the petitioner was accepted by the informant when both sides agreed to appear before the learned Court below on 16th of July, 2018.

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

Basic accusation is of torture and driving out the informant from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner was ready to take the informant to his place of employment at Mumbai, but she was not ready to live there as the informant wants to reside at petitioner's parental house. Hence, the issue between the parties, could not be reconciled. In this background, the petitioner preferred an application for confirming the provisional anticipatory bail before the learned ACJM-I, Katihar, on 27.06.2019. However, the bail bond of the



petitioner has not been cancelled. Subsequently, the petitioner came to know that in a maintenance proceeding, being Maintenance Case No. 74 of 2018, the Additional Principal Judge, Family Court, Katihar, vide order dated 21.02.2019, directed the petitioner to make payment of Rs. 2500/- per month to the informant and Rs.1500/- per month to the child from the date of filing of maintenance case on the 10th day of every succeeding month. Learned counsel for the petitioner further submits that the petitioner is ready to make payment of the maintenance amount till the order of the maintenance case is modified or annulled by any Superior Court.

It is submitted by learned counsel for the informant that if the maintenance amount is paid to the informant, then she will not oppose the prayer for confirming the provisional anticipatory bail of the petitioner.

In the circumstances, the order dated 28.06.2018 passed in Criminal Miscellaneous No.36088 of 2018, is modified to the extent that the provisional anticipatory bail granted to petitioner is extended till 31.03.2020.

The learned SDJM, Katihar is expected to confirm the provisional anticipatory bail of the petitioner on filing of substantial proof with regard to compliance of order passed in



Maintenance Case No. 74 of 2018 by the learned Additional
Principal Judge Family Court, Katihar.

Accordingly, the modification application stands
disposed of.

(Dinesh Kumar Singh, J)

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