

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86826 of 2019

In

CRIMINAL MISCELLANEOUS No.70579 of 2018

Arising Out of PS. Case No.-700 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Md. Nashim Ansari @ Nashim Ansari Son of Md. Alamgir Ansari @ Alamgir
Resident of Mohalla - 8/11A, Dr. H.K. Chatterjee Street, P.S.- Belur, Distt -
Hawrah (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Parveen Wife of Nashim Ansari Resident of Mohalla - 8/11A, Dr.
H.K. Chatterjee Street, P.S.- Belur, Distt - Hawrah (West Bengal). At present
D/o Abdul Sattar Ansari, R/v and Post Office and P.S.- Nasirganj, Distt -
Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Advocate
For the State	:	Mr.Upendra Kumar, APP
For Opposite Party No.2	:	Mr. Dineshwar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for opposite party no.

2.

The present application has been filed for
modification of order dated 16.04.2019 passed in Cr. Misc. No.
70579 of 2018 to the extent of extending the period of
provisional anticipatory bail granted to the petitioner.

The factual matrix of the case is that the petitioner,
being the husband of opposite party no. 2, preferred Cr . Misc.
No. 70579 of 2018 with a prayer for anticipatory bail in
connection with Complaint Case No. 700 of 2016,wherein



process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code, pending in the Court of learned Sub-divisional Judicial Magistrate, Bikramganj, Rohtas.

The basic accusation was of torture.

On the specific statement being made in paragraph 12 of the main petition that the petitioner is ready to keep the complainant as wife with full dignity and honour, the petitioner was granted provisional anticipatory bail for six months. The provisional anticipatory bail was to be confirmed by the learned Court below in three eventualities, i.e., if the matrimonial harmony is substantially restored, or if the complainant fails to appear before the learned Court below or if the complainant gets reluctant to reconcile the issue.

From the order dated 17.10.2019 passed by learned SDJM, Bikramganj in Complaint Case No. 700C of 2016, it appears that the petitioner is ready to take the complainant to her matrimonial house. The learned Court below directed for issuance of non-bailable warrant against the accused and it appears that the non-bailable warrant has been issued vide order dated 07.11.2019.

In the circumstances, the present modification



application is not maintainable. However, it is expected from the learned Court below to consider the prayer for regular bail of the petitioner, if he surrenders within a period of four weeks from today considering the fact that the petitioner is still ready to keep the complainant as wife with full dignity and honour. The learned Court below may release the petitioner on provisional bail for getting the issue mediated.

Accordingly, the present modification application stands disposed of.

(Dinesh Kumar Singh, J)

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