

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85692 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- SIKARPUR District- West Champaran

Muslim Mian @ Moslim Miyan @ Muslim Mian Mansoori, Son of Ishrayal Miyan, Resident of Village-Pokhariya, Police Station-Shikarpur, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjhan Khatoon, Wife of Muslim Mian @ Moslim Miyan @ Muslim Mian Mansoori, Resident of Village-Pokhariya, Police Station-Shikarpur, District-West Champaran currently residing as daughter of Haneef Miyan, Resident of village-Jaitapur, Police Station-Palanwa, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-01-2020 This is an application for grant of anticipatory bail in connection with Shikarpur P. S. Case No. 10 of 2019, disclosing offences under Sections 498A, 494, 504/34 of the Indian Penal Code.

As per F.I.R. there is allegation of demand of Bolero vehicle and for that, ousted her from the house, keeping his son and further allegation is that he married with another lady.

Submission of learned counsel for the petitioner is that the allegation is false and concocted. He is still ready to keep her with dignity and care, but she is not ready to reside with him.



Heard learned APP also, who has opposed the prayer for anticipatory bail.

Having heard both sides, in view of the submissions made above, this application is disposed of with a direction to the petitioner, above named, to surrender before the learned court below on 03.02.2020, on surrender, he will be released on provisional bail to the satisfaction of the learned court below. In the meantime, the court below shall issue a notice to the opposite party no.2 and on her appearance and shows her desire to reside with the petitioner, the petitioner has to keep her with dignity and care and take her from the court itself and on that, the provisional bail granted to the petitioner shall be extended for further period of six months. During that period, both the parties shall appear before the learned court below in the third week of each month, so that the court below shall watch the marital relationship and conduct of both the parties. Once being satisfied with the conduct of both the parties, especially, the conduct of the petitioner, the court below shall confirm the bail bonds of the petitioner, otherwise, he is free to pass any other order or orders, which may deem fit and proper, including cancelling the bail bonds of the petitioner.

It is also made clear that if the opposite party no.2



does not chose to appear on notice, or she is not ready to reside
with the petitioner without showing any genuine reason, the bail
bonds of the petitioner shall be confirmed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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