

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33855 of 2022**

Arising Out of PS. Case No.-114 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

MD FAISAL IMAM Son of Md. Muzaffar Imam Resident of Village - Mahuli  
Nankar, P.O.- Bandhauli, P.S. - Jale Darbhanga, Distt. - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zeenat Fatima, W/o Syed Faisal Imam Resident of Village - Ujjain Tola,  
Ward No. 34, P.S. - Bettiah Town, Distt. - West Champaran at Bettiah.

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                           |
|----------------------|---|---------------------------------------------------------------------------|
| For the Petitioner/s | : | Shri Pushkar Narain Shahi, Sr. Advocate<br>Shri Sarva Deo Singh, Advocate |
| For the State        | : | Shri Chandra Bhushan Prasad, A.P.P.                                       |
| For the Informant    | : | Shri Bimlesh Kumar Pandey, Advocate                                       |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      06-09-2023                      1. Heard learned Senior Counsel for the petitioner,  
  
learned A.P.P. for the State and learned counsel for the  
  
informant.

2. Learned Senior Counsel for the petitioner, after  
  
some arguments, seeks permission to withdraw this application  
  
with liberty to raise all the issues at the time of framing of  
  
charge as it has been submitted by the learned Senior Counsel  
  
for the petitioner that the present FIR came to be instituted after  
  
the petitioner had obtained divorce in accordance with the  
  
Mohammedan Law and thereafter he had also filed an  
  
application before the Principal Judge, Family Court,  
  
Darbhanga for seeking confirmation of the divorce. It is further



submitted that the notice which was sent to the informant seeking divorce in terms of the Mohammedan Law was received by her but then she did not act upon it. It is next submitted that in the FIR which was instituted subsequent to the divorce granted by the Emarat - E - Sharia, Madarsa Islamia, the said fact was not made part of the allegation in the FIR rather the same was concealed.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn.

5. The Court expects that when application seeking discharge is filed before the learned trial court, the learned trial court shall apply its independent judicial mind.

**(Satyavrat Verma, J)**

Kundan/-

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