

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14851 of 2020

Arising Out of PS. Case No.-461 Year-2013 Thana- SHERGHATI District- Gaya

Md. Shahanshah Akbar, Son Of Late Md. Kudus Saheb Resident Of Village -
Pandey Khap, P.O. And P.S. - Anti, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Zeenat Praveen Wife Of Md. Shahanshah Akbar Resident Of Village - Urdu
Bazar, P.O. - Sherghati, P.S. - Sherghati, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Sinha
For the State	:	Ms.Anita Kumari Singh
For Opposite Party No.2 :		Mr.Satyendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-01-2024 1. Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned APP for the
State.

2. The learned counsel for the opposite party no.2,
at the outset, submits that there is no infirmity in the order
by which the bail bonds of the petitioner has been cancelled
which is impugned in the present quashing application. It is
next submitted that petitioner was married to the opposite
party no.2 in the Year 2009 and out of the wedlock, two
children were born. It is further submitted that both the
children were girl child, as such, the matrimonial relationship



between the petitioner and the opposite party no.2 deteriorated as the petitioner was not happy with the birth of two girl child. It is next submitted that since the matrimonial relationship deteriorated, the petitioner started torturing the opposite party no.2, which led to institution of Sherghati P. S. Case No.461 of 2013. It is submitted that petitioner approached this Court by filing Cr. Misc. No.26023 of 2014 and this Court granted anticipatory bail by order dated 21.10.2014 with certain condition. One of the condition was that in the event of filing individual petition on behalf of the petitioner, the Court below on getting positive response from the informant/opposite party no.2 or filing joint petition of compromise by the parties, permit the couple to reside at their place of choice on the condition to report personally to the Court below on the dates fixed for the purpose and only after being satisfied of their conduct for a reasonable period, the Court below shall pass appropriate order in accordance with law.

3. At this stage, the learned counsel for the petitioner submits that he never violated any condition



imposed by this Court by order dated 21.10.2014 in Cr. Misc. No.26023 of 2014. It is next submitted that petitioner even filed an application before the learned trial Court with a prayer that he is willing to keep his wife and children at his place of posting, but then, the opposite party no.2 never responded to the said application filed on behalf of the petitioner.

4. The learned counsel for the opposite party no.2 rebuts the said submission of the learned counsel for the petitioner and submits that no doubt, it has been recorded in the order dated 28.10.2015 that opposite party no.2 is not willing to accompany the petitioner along with the children, but then, the said observation has been recorded in terms of an application filed by the petitioner. It is thus submitted that opposite party no.2 never filed any application before the learned trial Court refusing to accompany the petitioner. It is also submitted that since opposite party no.2 is staying with her two daughters, as such, there was absolutely no occasion for her not to accompany the petitioner. It is also submitted that since the opposite party no.2 was not getting



any maintenance amount, as such, she had approached the competent authority of the petitioner for maintenance in pursuance whereof, an order was passed by the competent authority to credit half of the salary of the petitioner in the account of the opposite party no.2 for her and the maintenance of the children, but the petitioner got the said order set aside by filing a Criminal Revision.

5. The learned counsel for the opposite party no.2 thus submits that petitioner never intended to keep the opposite party no.2 and the children with him or else he would not have objected to the amount which was directed to be credited in her account towards maintenance of the opposite party no.2 and the children. It is also submitted that from perusal of the order impugned, it would manifest that it is the case of the petitioner that he has already divorced the opposite party no.2, which further goes to show that petitioner never intended to keep the opposite party no.2 and the children with him. It is also submitted that said *talaknama* is nothing, but a forge and a fabricated document.



6. The learned counsel for the opposite party no.2 next submits that if what has been submitted by the learned counsel for the petitioner is true that the opposite party no.2 never intended to accompany the petitioner along with the children, in that event, the petitioner ought to have moved before this Court seeking modification of the condition as imposed.

7. The learned counsel for the petitioner is not in a position to rebut the submission of the learned counsel for the opposite party no.2, as such, the Court finds no merit in the quashing application.

8. The quashing application is thus rejected.

(Satyavrat Verma, J)

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