

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34087 of 2024

Arising Out of PS. Case No.-2097 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md. Mumtaz Alam Son of Late Md. Ahmad @ Md. Ahmad Ali R/O Vill.- Marar,
(South), P.S.- Morkahi, Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarannum Praween wife of Md. Mumtaz Alam, D/o Md. Ataur Rahman, at
present-resident of village-Maida Babhangaman, P.S. Birpur, Dist.-Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 04-10-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. along with the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioner apprehends his arrest in a case

registered for the offence punishable under Sections 498(A) of

the Indian Penal Code.

3. Learned counsel for the petitioner submits that

petitioner being husband has been falsely implicated in the

instant case by the O.P. No.2. It is next submitted that the case

was taken up on 30.09.2024, when specific statement was made

by the learned counsel appearing on behalf of the petitioner

based on instruction that petitioner is still willing to keep the

O.P. No.2 and the children with honour and dignity but then it



was submitted that the O.P. No.2 be requested to remain present in the court, so that the petitioner takes her back to her matrimonial home along with the children from the court premises itself. It is next submitted that on the said date, the learned counsel appearing on behalf of the O.P. No.2 also agreed that O.P. No.2 shall accompany the petitioner along with the children from the court premises itself.

4. Today, when the case is taken up, the petitioner and the O.P. No.2 are present but the O.P. No.2 bluntly submitted that she is not willing to reconstitute her conjugal rights with the petitioner, thus the court queried from the learned counsel appearing on behalf of the O.P. No.2 that if O.P. No.2 was not interested in reconstituting her conjugal rights, why such submission was made on 30.09.2024 that even O.P. No.2 shall accompany the petitioner from the court premises itself, on which, the learned counsel appearing on behalf of the O.P. No.2 submits that such submission was never made, the court completely fails to appreciate such submission of the learned counsel appearing on behalf of O.P. No.2.

5. Since the O.P. No.2 is not interested in pursuing her conjugal relationship with the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned



Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No.2097C/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. The personal appearance of the petitioner and the O.P. No.2 is dispensed with.

(Satyavrat Verma, J)

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