

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48306 of 2023

Arising Out of PS. Case No.-1538 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

MD. SABIR HUSSAIN Son of Md. Naim Ansari Resident of village -
Hakimpur, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hamida Khatoon Wife of Md. Sabir Hussain Resident of village - Hakimpur,
P.S.- Mahua, District - Vaishali, At present village - Tajpur Burj, P.S.-
Mahua, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-04-2024 1. Heard learned counsel for the petitioner and

learned APP for the State along with learned counsel for the O.P.

No. 2.

2. The learned counsel for the O.P. No. 2, at the
outset, submits that the matter was referred for mediation when
the case was taken up before the learned District Court, but then
the mediation failed. It is further submitted that the petitioner
has even performed his second marriage and has left the O.P.
No. 2 along with her three daughters born out of the wedlock in
a lurch. It is also submitted that O.P. No. 2 along with her
children is staying separately from the petitioner for the last
more than 2 years but in these two years, the petitioner never



cared to even maintain the informant and the children, as such, one can well imagine the plight of the O.P. No. 2 and the children, it is further submitted that on one hand, the petitioner has left the O.P. No. 2 and the children in lurch, on the other hand is enjoying his life with his second wife.

3. The learned counsel appearing on behalf of the petitioner does not dispute the submissions made by the learned counsel appearing on behalf of the O.P. No. 2 that petitioner has performed his second marriage, but then submits that he is willing to keep the O.P. No. 2 along with the children with honour and dignity, on which the learned counsel appearing on behalf of the O.P. No. 2 submits that had the petitioner been really interested in reviving his conjugal relationship then the mediation proceedings before the learned Mediator in the District Court would not have failed. It is also submitted that the petitioner never cared to pay any maintenance nor maintained the O.P. No. 2 and the children in these two years of separation, as such, only for the purposes of seeking anticipatory bail a false submission is being made.

4. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No. 2, the Court is not inclined to extend the privilege of anticipatory bail to the



petitioner.

5. Accordingly, the present anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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