

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64050 of 2023

Arising Out of PS. Case No.-493 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

MD. SHAKIMUDDIN son of Md. Qyamuddin Village- Bhauaa Shahpur
Undi Ps- Patori Dist- Samastipur at present- Basiruddin Munshi Lane Mayer
Muslim High School, C/o- Yusuf Bari Howrah Ps- Howrah Maidan Dist-
Howrah (West Bengal)711101

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kausari Khatoon wife of Md. Shakimuddin, D/o- Md. Basif Village Po-
Patailiya Ps- Bibhutipur Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 01-07-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with 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 & Sections 3/4 of the D.P. Act.
3. It is submitted that in compliance of the order dated
07.03.2024, the petitioner and the O.P. No.2 were present in person
before this court on 13.03.2024. It is next submitted that thereafter
the petitioner in compliance of the order dated 13.03.2024 took the
O.P. No.2 along with the child to Kolkata, where he resides and since
then they are leading a peaceful conjugal life. It is further submitted



that when the case was taken up on 13.03.2024, the same was directed to be listed on 01.07.2024 with a direction that both petitioner and the O.P. No.2 along with the child shall remain physically present before this court. It is next submitted that petitioner and the O.P. No.2 could not come as the husband has gone to attend a marriage ceremony. It is further submitted that O.P. No.2 is staying with him at Kolkata.

4. On query of the court from the learned counsel appearing on behalf of the O.P. No.2 that as to why O.P. No.2 is not present in the court in compliance of the order dated 13.03.2024, on which, the learned counsel submits that he does not have any instruction in the matter.

5. At this stage, the learned counsel appearing on behalf of the petitioner submits that since the O.P. No.2 is staying with the petitioner at Kolkata, as such, she could not come in absence of the petitioner.

6. In view of the submission made by the learned counsel for the petitioner, the appearance of petitioner and the O.P. No.2 is exempted.

7. The learned counsel for the petitioner further submits that no useful purpose would be served by keeping the anticipatory bail application pending when petitioner and the O.P. No.2 are leading a peaceful conjugal life and this perhaps explains why the O.P. No.2 has not given any instruction to her counsel.



8. In view of the submission made by the learned counsel for 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.10,000/- (Rupees Ten 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 C.R. No.493/2019 @ Complaint (P) Case No.493/2019, Tr. No.1802/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, in the event, if it is found that petitioner by misleading this court had obtained anticipatory bail.

(Satyavrat Verma, J)

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