

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23430 of 2018

Arising Out of PS. Case No.-470 Year-2014 Thana- PHULWARISHARIF District- Patna

Sohail Anjum S/o Late Anwar Latif, R/o New Karim Ganj, Road No. 3/B
Gaya, P.S.- Civil Line Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Dr. Sufia Perween, W/o Sohail Anjum, D/o Juhil Akhtar, R/o Mohalla-
Millat colony, sector-2, P.S.- Phulwarisharif, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

7 21-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed on behalf of the petitioner for quashing the order dated 13.09.2017 passed by the learned Special Judge CBI-1-cum-A.C.J.M., Patna in Phulwarisharif P.S. Case No. 470 of 2014, G.R. No. 5010 of 2014 whereby he has not confirmed the provisional bail of the petitioner granted by this Court vide order dated 19.05.2015 passed in Cr. Misc. No. 21525 of 2015 wherein it was directed to the Court concerned to make efforts for reconciliation between the husband and the wife. It was further observed that if the dispute is resolved, the provisional bail granted to the



petitioner shall be confirmed and if the dispute does not resolve the court shall pass order in accordance with law. The Trial Court, vide order dated 13.09.2017, did not confirm the provisional bail granted to the petitioner on the ground that the informant is not ready to reside with the petitioner and it appears that petitioner is not ready to accept the conditions put by the informant which shows that he is not ready for settlement.

3. Learned counsel for the petitioner submits that the petitioner was and is ready to keep his wife with the children with full dignity and honour according to his status. He had filed an application before the Court concerned to settle the matter in this case and even the case was settled between the parties and the petitioner had made demand draft of Rs. 2,50,000/- out of Rs. 7,50,000/- but O.P. No. 2 denied to settle the matter due to misadvice. Since the petitioner is always ready to keep his wife and both children with full dignity and honour and also ready to settle the matter with the informant, the anticipatory bail granted to the petitioner by this Court is liable to be confirmed and the order of the learned Trial Court is liable to be set aside.

4. Learned A.P.P. for the State submits that in the facts and circumstances, appropriate order may be passed.



5. Despite sufficient opportunity given to O.P. No. 2, no one is present on her behalf.

6. Having heard the learned counsel for the petitioner and learned A.P.P. for the State, it appears that this Court had granted provisional anticipatory bail to the petitioner, vide order dated 19.05.2015 with direction to the learned Trial Court for making efforts for reconciliation between husband and wife. The settlement cannot be done without co-operation of the parties. Petitioner is ready to keep his wife and both children and is also ready to settle the matter with the informant.

7. In view of the said facts and circumstances, impugned order dated 13.09.2017 is set aside and the provisional bail granted to the petitioner is confirmed. The learned Trial Court may take steps for reconciliation/settlement between the petitioner and the informant/O.P. No. 2.

8. Accordingly, the present petition stands allowed.

(Sunil Dutta Mishra, J)

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