

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7594 of 2016**

Arising Out of PS.Case No. -1060 Year- 2015 Thana -SASARAM NAGAR District- SASARAM  
(ROHTAS)

=====

Zabbar Ansari Son of Razzak Ansari, Resident of Village - Dhaodadh, P.S.  
- Sasaram, District - Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Salma Khatoon, W/o Zabbar Ansari, & D/o Asgar Ansari, Resident of  
Village - Sheopur P.O. & P.S. - Kargarhar, District - Rohtas.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Mishra

For the Opposite Party/s : Mr. Nand Kumar(App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

03/ 30-06-2016

Heard learned counsels for the petitioner and the  
  
State.

The petitioner being the husband of the  
informant is apprehending his arrest in a case registered for the  
offences punishable under Sections 498A, 307 of the Indian Penal  
Code and 3/4 of Dowry Prohibition Act.

The accusation is of torture for demand of rupees  
one lac, making assault to the informant and performing second  
marriage.

It is submitted by learned counsel for the  
petitioner that the petitioner admits his marriage with the

informant and performed second marriage with the consent of the informant which is permissible under Mohammedan Law. Moreover, the petitioner always willing to keep the informant with full dignity and honour. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

*“That the informant herself fled away to her maik from the house of the petitioner without his consent. In fact, the informant does not want to live with her husband. The petitioner is always willing to keep the informant with full dignity and honour.”*

It is further submitted that the petitioner filed Matrimonial Case No. 157 of 2015 for restitution of conjugal rights under Section 281 of the Mohammedan Act.

Counsel for the informant submits that the informant is also ready to accept the offer of the petitioner but she is apprehensive due to past conduct of the petitioner.

Both sides agree to appear before the learned court below on 14.07.2016 when the petitioner will take the informant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today,

on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (T) P.S. Case No. 1060 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the informant gets reluctant to reconcile the issue; and (iii) or if the informant fails to appear before the learned court.

**(Dinesh Kumar Singh, J)**

DKS/-

U		T	
---	--	---	--