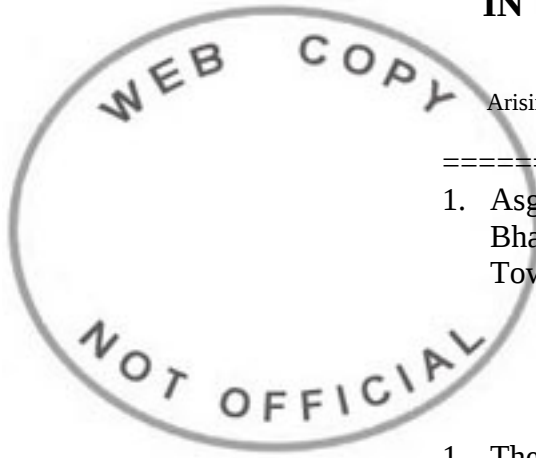




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9783 of 2015

Arising Out of PS.Case No. -3191 Year- 2010 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Asgar Hussain son of Late Wajahat Hussain resident of Mohalla -
Bhabdepur Main Road Sitamarhi, Police Station - Sitamarhi District and
Town - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruhi Hussain D/o Hashmat Karim R/o Mohalla - Tinkathiya, P.S. -
Mithanpura, Dist. - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman
For the Opposite Party/s : Mr. Md. Ansar-Ul-Haque (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 07-09-2015 Petitioner being husband of the complainant
apprehending his arrest in a complaint case wherein processes
were directed to be issued after cognizance being taken for the
offences under Sections 498A of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

The marriage between the petitioner and the
complainant and birth of three children are admitted facts. The
petitioner claims to have divorced the complainant as per
muslim rituals in 2002. The factum of divorce is being denied
by the counsel for the complainant.

Considering the dispute with regard to

factum of divorce the reconciliation does not appear to be feasible at present nor the said dispute can be resolved in the present proceeding.

In the alternative, petitioner is ready to make payment Rs. 5000/- to the complainant for the welfare of the complainant and the children from October, 2015, by depositing the same in the bank account of the complainant by second week of every month without being prejudiced to the claim of divorce and its legal implications in law. The offer is acceptable to the complainant who undertakes to supply her bank account number within a period of three weeks by submitting the same on affidavit before learned Court below.

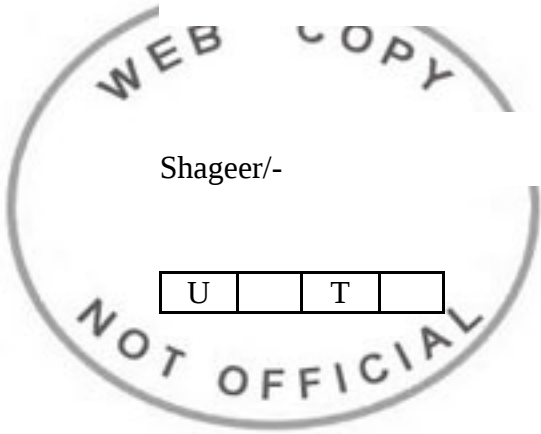
Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Complaint Case No. 3191 of 2010, Trial No. 1475 of 2014.

The aforesaid payments will be subject to any order being passed in matrimonial, maintenance or connected proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate

application for cancellation of bail of the petitioner.

Let learned Court below expedite the trial.



Shageer/-

(Dinesh Kumar Singh, J)