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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15054 of 2015

Arising Out of PS.Case No. -44 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Mojibur Rahman

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Syed Asgher Najmi
For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A/34 of the Indian Penal Code.

The basic accusation is of torture. The marriage between the petitioner and the complainant having no issue is admitted fact. It is also admitted that after fifteen days of marriage, the petitioner left the country as he works in Bahrain.

It is submitted by learned counsel for the petitioner that efforts of reconciliation were made by learned Sessions Judge which gets reflected from the impugned order where the complainant on appearance before the learned Sessions Judge, stated that she has been threatened through mobile phone and she

is not ready to reconcile the issue.

Learned counsel for the complainant submits that the complainant was threatened through mobile not only by the petitioner but also by the parents of the petitioner and the complainant is not getting any money to maintain herself.

In the alternative, the petitioner is ready to pay ₹4,000/- per month to the complainant from June, 2015 by depositing the same in the bank account of the complainant by second week of every month.

On instruction, learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner who also undertakes to supply her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

Considering the stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Sherghati, Gaya in connection with Complaint Case No. 44 of 2013, subject to the conditions as laid down under Section 438(2)

Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial, maintenance or any other related proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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