

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20208 of 2015

Arising Out of PS.Case No. -1366 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Sarfaraz Akhtar @ Sarfaraj Akhtar Son of Jamal Akhtar resident of Mohalla
- New Colony, Mandai, Mewa Sao Lane Sultanganj, P.S. - Sultanganj,
District - Patna. Petitioner

Versus

1. The State of Bihar.
 2. Ayesha Zeya Wife of Sarfaraz Akhtar and daughter of Md. Zeyaul
Haque resident of Mohalla - Hameedpur Kurji, P.S. - Digha, District -
Patna. Opposite Parties.
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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. T.N.Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 20-08-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

On instruction it is submitted by learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:- **“That it is relevant to mention here that petitioner is still willing to keep her wife with full**

dignity and honour and for which he is regularly persuading the complainant i.e. opposite party no. 2 herein. But despite of the persuasion being continuously made by the petitioner to bring her back to her matrimonial house, she is adamant not to go to her matrimonial house for the reasons best known to her.”

The marriage between the petitioner and the complainant and birth of a female child are admitted facts.

The counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner.

In the circumstances, the counsel for the petitioner submits that the petitioner is making payment of Rs.750/- in pursuance to the order passed in Cr. Misc. No. 15027 of 2015 preferred for quashing of cognizance order, but apart from the same the petitioner is ready to pay Rs.1,500/- per month from September, 2015 to the complainant by depositing the same in her account by second week of every month.

It is submitted by learned counsel for the complainant that she is ready to accept the offer of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the



event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna in connection with Complaint Case No. 1366(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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

(Dinesh Kumar Singh, J.)

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