

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5998 of 2015

Arising Out of PS.Case No. -649 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

1. Rahbar Ali Ansari S/o Muinuddin Ansari,
2. Moinuddin Ansari S/o Late Salamat Ali Ansari,
3. Khushbun Nissa, W/o Moinuddind Ansari, Al R/o Village - Mokeri,
P.S. - Bhabhua, District - Kaimur (Bihar) at present R/o Village - Dalaseva
Sadan behind, Budi Public Schoo, P.O. & P.S. - Dala, District - Son Bhadra
(U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shagufta Yasmin W/o Rahbar Ali Ansari, D/o Ghulam Mohammad, R/o
Village - Dheka Bagha, P.S. - Rafiganj, District - Aurangabad, At present
R/o Village - Gannu Bigha, P.S. - Chandauli, District - Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari

For the Opposite Party/s : Mr. H.A.Khan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 04-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner no. 1 being the husband of the complainant and petitioner nos. 2 and 3 being parents of petitioner no. 1 are apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted on behalf of the petitioners that the petitioner no. 1 filed Matrimonial Case no. 136 of 2011 on



17.10.2011 for restitution of conjugal rights and thereafter when the issue could not be reconciled then filed a petition on 4.2.2013 to convert the same into a Matrimonial suit for divorce, thereafter the complaint case has been filed on 11.4.2013. The petitioner no. 1 and complainant are present and the marriage between them and birth of two children are admitted facts. Though the complainant is ready to resume the conjugal life but the petitioner no. 1 is not ready to take the complainant as the distrust increased between the parties due to birth of second child during strained relationship. The petitioner no. 1, in alternative, is ready to make payment of Rs.25,00/- per month to the complainant from June, 2015 by depositing the same in the bank account of the informant by second week of every month. The offer is acceptable to the complainant who undertakes to supply her bank account number to the petitioner no. 1 by filing the same on affidavit before the learned court below within three weeks.

Considering the present stand of the parties, let the above named petitioners 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 Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Gaya in connection

with Complaint Case No. 649 of 2012, 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 or maintenance or any other related proceeding.

Three consecutive defaults in making payment by the petitioner no. 1 will give liberty to the complainant to file an application for cancellation of bail of the petitioner no. 1.

(Dinesh Kumar Singh, J)

Anil/-

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