

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31437 of 2015

Arising Out of PS.Case No. -423 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

=====

Md. Abdullah S/o Abdul Hakim Shaikh, Resident of Village Muradpur
Bangra, Mohalla Hasanpur Sarsauna, Police Station N.H. Bangra, District
Samastipur. Petitioner

Versus

1. The State of Bihar.
2. Shahnaz Perween D/o Shamse Alam, W/o Md. Abdullah Resident of
Village Ratwara, Police Station Kalyanpur, District Samastipur.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Khatim Reza, Adv.

For the Opposite Party/s : Mr. Pradeep Narayan Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-08-2015

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 process has 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.

The accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but submits that the petitioner filed Matrimonial

Suit No. 38 of 2014 and the order dated 23.06.2014 passed by the Principal Judge, Family Court, Samastipur reflects that the complainant has refused to reside with the petitioner. However, the petitioner is ready to pay Rs.2,000/- per month from September, 2015 to the complainant by depositing the same in her account by second week of every month..

Considering present stand of the petitioner, 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, Samastipur in connection with Complaint Case No. 423 of 2014/Tr. No. 3506 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner undertakes to supply a copy of this order to the complainant within a period of three weeks from today when it is expected that the complainant will supply bank account number by submitting the same on affidavit before the learned court below.

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