

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46558 of 2013

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1. Md. Khaliluddin @ Khallo Mian Son Of Md Salimuddin R/O Village-Satbahri Chandpur, P.S.-Falka, District-Katihar

.... Petitioner/s

Versus

1. The State Of Bihar

2. Sobhi Khatoon Wife Of Md Khaliluddin @ Khallo Mian, D/O Late Md Panchu R/O Village-Satbhari Chandpur, P.S.-Falka, District-Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate

For the Opposite Party/s : Mr. Dr. Ajit Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-02-2015 Heard learned counsel for the petitioner and the State.

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

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

On instruction it is submitted by the learned counsel for the petitioner that the petitioner is ready to keep the complainant as wife with full dignity and honour. The

petitioner has performed two marriages and from each wife there are four children.

Notices were issued to complainant/opposite party no. 2 vide order dated 02.12.2013 but in spite of valid service of notice none is appears on behalf of complainant today.

It is submitted by the learned counsel for the petitioner that the petitioner is ready to pay Rs.1,500/- per month from March 2015 to the complainant by depositing the same in her account by second week of every month.

Considering the 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 450 of 2010, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner will serve a copy of this order to the complainant.

It is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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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