

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32777 of 2015

Arising Out of PS.Case No. -2666 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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1. Ashfaque Qurraishi S/o Basso Qurraishi Resident of Village Jhawari, P.S. Jalalgarh, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shahnaj Khatoon W/o Ashfaque Qurraishi, D/o Yushuph Qurraishi Resident of Village Chandradai, P.S. Araria (R.S.), District Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Suman Kri.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 14-12-2015 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

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

Though the matter was referred to the Mediation Centre but is it submitted that the issue could not be resolved.

The petitioner and the informant are present in court.



It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of four children and that the petitioner has performed second marriage and he has six children from the second wife. However, the petitioner is ready to make payment of Rs.3000/- per month from January, 2016 by depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant accepts the offer and is not opposing the prayer for bail of the petitioner. Learned counsel for the complainant undertakes to provide the bank account number of the complainant to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present 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 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 SDJM, Araria in connection with Complaint Case No. 2666C 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 or maintenance 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 will, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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