

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37685 of 2015

Arising Out of PS.Case No. -148 Year- 2014 Thana -BABUBARHI District- MADHUBANI

Md. Gufran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sangita Sharma (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323 and 379 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand. The marriage between the petitioner and the informant is admitted fact.

It is submitted by learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in para 11 of the petition which reads as follows:-

“That the petitioner is still ready to keep the informant as his wife with all dignity and respect.”

However, learned counsel for the informant submits that the informant is not ready to resume the conjugal life as earlier a case was filed with similar accusation and on basis of compromise, the informant went to matrimonial house but thereafter the informant was being tortured. In the circumstance, the informant is only willing for some maintenance amount.

In the circumstances, the petitioner is ready to pay ₹1,200/- per month to the informant from October, 2015 by depositing the same in the bank account of the informant by second week of every month.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

Considering the present stand of the petitioner, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhubani in connection with Babubarhi P.S. Case No. 148 of

2014, 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 informant to file an application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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