

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53971 of 2015

Arising Out of PS.Case No. -2874 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Shamshad Alam @ Shamsad Son of late Nezamuddin Resident of
Village- Singhia, P.s Barsoi, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Rafat Wife of Md. Shamsad, D/o Abdul Rashid Resident of Village-
kadamgachi, P.s Barsoi, District katihar, At present resident of Village-
malor, P.s Barsoi, Dsitritct Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour, statement

to that effect has been made in para 10 of the petition which reads as follows:-

“That it is stated that the petitioner is always ready to keep the complainant with full dignity and honour.”

It is submitted by learned counsel for the complainant that the petitioner has performed second marriage which is not being denied by learned counsel for the petitioner, hence, there is no chance to reconcile the issue at present. Further the petitioner is not making payment of interim maintenance awarded by the learned Principal Judge, Family Court, Katihar passed in Matrimonial Suit No. 323 of 2013. Learned counsel for the complainant further submits that the informant at present is only pressing for payment of interim maintenance.

Considering the aforesaid facts, 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 SDJM, Katihar in connection with C.A. Case No. 2874 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner shall be accepted by learned court below only on payment of entire interim maintenance amount as awarded by learned court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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