

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15767 of 2015

Arising Out of PS.Case No. -137 Year- 2014 Thana -BARSOI District- KATIHAR
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1. Md. Masarul Haque @ Md. Masarul son of Md. Zainul Haque @ Md. Zainul resident of village- Govindpur, P.S.- Barsoi, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-05-2015 Heard learned counsel for the petitioner and the State.

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

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

It is submitted by the learned counsel for the petitioner that petitioner is ready to keep the informant with children as wife with full dignity and honour, but has performed second marriage.

It is submitted on behalf of learned counsel for the



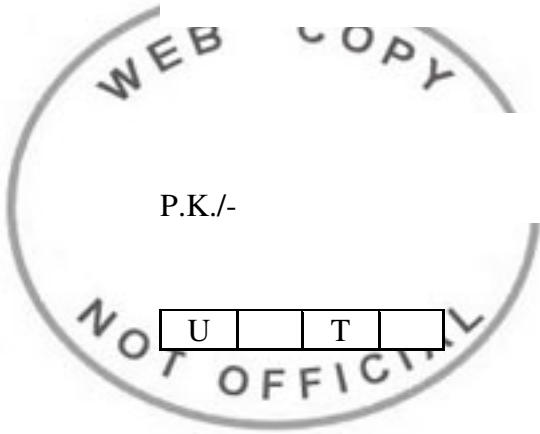
informant that daughter of the informant is not ready to accept the offer of the petitioner, since he has performed second marriage. Hence, reconciliation does not appear to be feasible at this juncture. The petitioner, in alternative, is ready to pay Rs.2500/- per month from June 2015 to the informant by depositing the same in her account by second week of every month. The factum of marriage between petitioner and informant and birth of three children are admitted facts.

Considering the present stand of the parties, 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 Chief Judicial Magistrate, Katihar in connection with Barsoi P.S Case No. 137 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to serve a copy of the order upon the informant within a period of four weeks when it is expected from the informant to submit the bank account number by filing the same on affidavit before the learned court below within a period of four weeks. The aforementioned 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 informant to file application for cancellation
of bail of the petitioner.



(Dinesh Kumar Singh, J)