

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9447 of 2015

Arising Out of PS.Case No. -1281 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Abdul Ahad, Son of Siraj, Resident of village – Chandar, Police Station –
Kadwa (Balua-Belon), District – Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjari Khatoon, W/o Abdul Ahad and D/o Abdul Latif, Resident of
Village – Chandhar, Minapur, P.S. Kadwa (Balua – Belon), District –
Katihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Veena Rani Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 25-08-2015

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present in the Court. The marriage between the petitioner and the complainant is not in dispute.

It is submitted by learned counsel for the

petitioner that the petitioner already divorced the complainant and paid Den Mohar amount. The Den Mohar amount was given to the Panchayat Mukhiya in pursuance to the Panchayati and subsequently Matrimonial Suit was filed for declaration of the complainant as divorcee.

It is submitted by learned counsel for the complainant that the complainant disputes the factum of Talaq and payment of Den Mohar. Moreover, it is submitted that Additional Principal Judge, Family Court, Katihar vide judgment dated 25th of February, 2015 passed in Maintenance Case No. 147 of 2013 directed the petitioner to make payment of Rs.2,000/- per month from the date of judgment by first of each succeeding month.

Considering the fact that the factum of Talaq is in dispute, let the above named petitioner be released on anticipatory bail, on making payment of maintenance amount as directed by the Additional Principal Judge, Family Court, Katihar, in the event of his 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 Chief Judicial Magistrate, Katihar in connection with Complaint



Case No. 1281 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.

The present order will be subject to the order of maintenance being modified by any court.

(Dinesh Kumar Singh, J.)

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