

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31055 of 2015

Arising Out of PS.Case No. -1928 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Gul Mohammad, Son of Sahamdin Mia @ Bhuwar, resident of village –
Hansrajpur, P.S. Baniyapur, District – Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Fatma Khatoon wife of Gul Mohammad and daughter of Wakil Mia
resident of village Hansrajpur, P.S. Baniyapur, District – Saran
presently residing at village – Paighambarpur Narayan Tola, P.S.
Baniyapur, District – Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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

03/ 04-11-2015

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.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant on 29.05.2005 and birth of a male child. The
petitioner gave Talak to the complainant as per Muslim Rites

and filed Matrimonial Suit No. 107 of 2015 for declaring the complainant as divorcee. Though, the Talak was given after lodging of the complaint but the matrimonial suit was filed subsequent to lodging of the complaint. Hence, at present reconciliation is not feasible. However, the petitioner is ready to make payment of Rs.2,000/- per month from December, 2015 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant is ready to accept the offer and undertakes to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 1928 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to



any order passed in matrimonial, maintenance or connected proceedings.

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, in no way, will preclude the parties to resolve the issue otherwise.



DKS/

(Dinesh Kumar Singh, J.)

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