

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48455 of 2015

Arising Out of PS.Case No. -326 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Arshad Raza @ Arshad Raza, Son of Noor Mohammad, Resident of
Village- Sankatra Noor Ganj, P.S. Kadwa District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arefa Khatoon @ Shahnera Khatoon, wife of Md. Arsad Raza, D/o Late
Md. Alam, at present resident of Village- Teghra, P.S. Azamnagar, O.P.
Salmari, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. M.K. Nirala (App)

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

3 06-11-2015 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a case registered for the offences
punishable under Section 498A of the Indian Penal Code and
section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of
dowry demands.

The petitioner and the complainant are present in court.

It is submitted by the 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.

Learned counsel for the complainant submits that the complainant is not ready to accept the offer since the petitioner has performed second marriage. The petitioner is not making payment of interim maintenance as awarded by the learned Principal Judge, Family Court, Katihar in Maintenance case no. 9 of 2014. Learned counsel for the petitioner submits that the petitioner is ready to make payment of maintenance amount as directed by the learned court below. At present, the complainant only claims maintenance amount.

Considering the present stand of the parties, 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 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 SDJM, Katihar in connection with Complaint Case No. 326 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned counsel on submission of definite proof of payment of up-to-date maintenance amount.

Three consecutive defaults in making payment by

the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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