

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45109 of 2014

Arising Out of PS.Case No. -855 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Nawajis Ali @ Md. Nawajish Son of Abdul Latif Resident of village -
Dagoal, P.S. Balrampur, District - Katihar

.... Petitioner

Versus

1. The State of Bihar
2. Bibi Aman Khatoon W/o Nawajis Ali, D/o Md. Yasin resident of
village - Harnathpur, P.S. Balia Belone, Kadwa, District - Katihar

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Abhay Kumar Singh

For the Opposite Parties : Mr. Jitendra Kr. Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-05-2015

Petitioner being husband of the complainant

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

The basic accusation is torture.

The notices were issued to the complainant
on the submission of learned counsel for the petitioner that
petitioner is ready to keep the complainant as wife with dignity
and honour. A statement to that effect has been made in para 8
of the petition which reads as follows:-

“That the petitioner is ready to keep his
wife with all respect and dignity.....”

The petitioner and the complainant are
present. The petitioner is still ready to keep the complainant

with dignity and honour but the offer is not acceptable to the complainant as she is apprehensive due to the past conduct of the petitioner. Hence, the reconciliation does not appear to be feasible.

The factum of marriage between the petitioner and the complainant and birth of a male child are admitted facts.

In the alternative, the petitioner is ready to make payment of Rs. 1500/- to the complainant for the welfare of the child from July, 2015, by depositing the same in the bank account of the complainant by second week of every consecutive month. The aforesaid offer is acceptable to the complainant who undertakes to supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

The complainant is ready to allow the petitioner to meet the child once in every month.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, 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, Katihar in connection with Complaint Case No. 855 of 2014.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance, or related proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate application for cancellation of bail of the petitioner but this liberty will be subject to the complainant allowing the petitioner to meet the children once in a month.

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

(Dinesh Kumar Singh, J)

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