

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9082 of 2015

Arising Out of PS.Case No. -441 Year- 2013 Thana -COMPLAINT CASE District- SHEOHAR

Mumtaj Hussain @ Md. Mumtaj Hussain Son of Late Md. Rafique

.... Petitioner/s

Versus

1. The State of Bihar

2. Darkhasa Akram, W/o Md. Mumtaj Hussain

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The factum of marriage between the petitioner and the complainant and worth of a female child are admitted facts.

It is submitted by learned counsel for the petitioner that petitioner filed Meenapur P.S. Case No.294 of 2013 on 21.09.2013 levelling accusation under sections 341, 342, 323,384 and 379/34 of the Indian Penal Code against the



complainant and one Kaiser Dinesh with whom the complainant has illicit relationship, thereafter, the present case has been filed on 05.12.2013. However, the petitioner is ready to make payment of Rs. 2,000/- (two thousand only) per month to the complainant from June, 2015 by depositing the same in the bank account of the informant by second week of every month.

Considering the stand of the petitioner as well as filing of the matrimonial case by the petitioner, 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 12 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 the learned Sub-Divisional Judicial Magistrate, Sheohar in connection with Complaint Case No.441 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the informant within a period of three weeks when it is expected that the informant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below.

The aforesaid payment will be subject to any order

being passed in matrimonial or maintenance proceeding.

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

(Dinesh Kumar Singh, J)

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