

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40554 of 2015

Arising Out of PS.Case No. -26705 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Zakiur Rahman Son of Ataur Rahman, Resident of Mohalla - Maripur (Baxsi Colony), Road No. 2, P.s. - Kazi Mohammadpur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shaista Hasan, Wife of Zakiur Rahman, Daughter of Asghar Hasan, Resident of B-3/13, rajbanshi Nagar, P.s. - shastri Nagar, District - Patna - 13 at presently resident of village - Sasauli, P.O. - Aurai, P.S. - Aurai, District -Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the



complainant on 17.10.2009. The petitioner divorced the complainant as per Muslim rituals on 15.11.2014 thereafter filed Matrimonial Case No. 67 of 2014 on 12.02.2014 with a prayer to declare the complainant as a divorcee and direct the complainant to receive the amount of Eaddat period along with Den Mohar. The present complaint was filed on 06.05.2014 after filing of Matrimonial Case, whereas the complainant has also filed Patna Mahila P.S. Case No. 18 of 2014 with accusation under Sections 498A, 379, 323/34, 467, 468 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act on 02.05.2014. Hence, reconciliation does not appear to be feasible at this venture. The petitioner is ready to pay Rs.1,500/- per month from October, 2015 to the complainant by depositing the same in her account by second week of every month.

Considering the fact that the matrimonial case was lodged at earlier point of time by the petitioner and the present stand of payment by the petitioner, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 26705C of 2014, subject to conditions as laid down under

Section 438(2) of the Indian Penal Code.

The petitioner undertakes to serve a copy of the order upon the complainant within a period of three weeks when it is expected from the complainant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks. The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings. If the complainant fails to receive the amount then the same will be deposited before the learned court below and the same will be subject to result of the case.

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

(Dinesh Kumar Singh, J)

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