

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46018 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Azhar Ahmad @ Pappu Khan S/o Late Rauf Khan, R/o Village-
Sonaichatti, P.S.- Jamui, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Zahida Arshi W/o Azhar Ahmad, D/o Md. Hasrat Ali, R/o Mohalla-
Ikram Nagar, Benigir, P.S.- Muffassil, District- Munger

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha
For the Opposite Party/s : Mr. Sahin Begum(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A and 504 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant in the year 2009 and birth of a male child, moreover the petitioner is still ready to keep the complainant as wife with full dignity and

honour, statement to that effect has been made in para 10 of the petition but the complainant during her S.A. refused to stay with the petitioner and similar was the stand of the petitioner before the learned court below which gets reflects from the impugned order which reads as follows:-

“The wife complainant Zahida Aarshi is present in the court along with her learned counsel. On inquiry she states that she is not willing to live with her husband as she has danger to life at his hands.”

It is submitted by learned counsel for the complainant that due to past conduct of the petitioner, the complainant is not ready to reside with the petitioner.

Considering the fact that the birth of a child is admitted, the petitioner is ready to pay ₹1,500/- per month to the complainant for benefit of the child from November, 2015 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner and also undertakes to supply her bank account number to the petitioner within a period of three weeks by filing the same on affidavit before the learned court below.

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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Munger in connection with Complaint Case No. 33C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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