

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33261 of 2015

Complaint Case No. -1855 Year- 2014 Thana -SIWAN COMPLAINT CASE District- SIWAN

Nazeer Khan

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-12-2015

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 498A and 406 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

On joint prayer of the parties, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority. The report of the Mediator dated 05.10.2015 suggests that in spite of best and sincere efforts, the dispute between the parties could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner

that the complainant deserted the petitioner and performed second marriage in 2012 whereas the petitioner performed second marriage in 2014. Hence, reconciliation does not seem to be feasible.

However, the petitioner is ready to make payment of Rs.2,000/- per month to the complainant from January, 2016 by depositing the same in the bank account of the complainant by second week of every month.

The counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of two weeks.

Considering the stand of 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 SDJM, Siwan in connection with Complaint Case No.1855/14, 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.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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