

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38563 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Md. Parwez Equbal @ Parwez Akbal @ Parwez Ekbal Son of Md. Azhar@AZhar Hussain resident of Village- Bargachhiya Sheikh tola ,Police Station Bairiya,District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjida Khatoon wife of Parwez Akbal resident of Village- Bargachhiya Sheikh tola ,Police Station Bairiya,District West Champaran. at present resident of Village-Madhapur ,Police Station Charaiya ,District East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 15-12-2015

The matter was listed under the heading for ‘Orders’ due to non-service of notice, but since the opposite party no. 2 has already entered appearance the matter is being taken up for ‘Admission’.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323, 325/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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



It is submitted by learned counsel for the petitioner that the petitioner divorced the informant as per Muslim Rites and thereafter the present case has been lodged. Though, the petitioner admits his marriage with the informant and birth of two children but now the petitioner has performed second marriage. Hence, reconciliation is not feasible. However, the petitioner is ready to make payment of Rs.3,000/- per month from January, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant accepts the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 175 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

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

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

(Dinesh Kumar Singh, J.)

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