

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4115 of 2016

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Aslam Naddaf son of Sadique Naddaf, resident of village- Pokharam, P.S.-
Biraul, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Khatoon, wife of Aslam Naddaf, resident of village-
Pokharam, P.S.- Biraul, District- Darbhanga, at present resident of D/o
Kari Naddaf, resident of village- Kerwakhoth, P.S.- Baheri, District-
Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Madan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 07-04-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein 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 Dowry
Prohibition Act.

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

The petitioner and the complainant are present
in the Court.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant with full dignity and honour. It is further submitted that the petitioner has not performed second marriage, statement to that effect has been made in paragraph 15 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant/O.P. No. 2 as wife with full dignity and honour and the petitioner has not married to another lady as alleged by the complainant verbally.”

Counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner since complainant has definite information that the petitioner has performed second marriage. In the circumstances, reconciliation is not feasible.

However, the petitioner is ready to make payment of Rs.800/- per month from May, 2016 to the complainant by depositing the same in her account by second week of every month.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit 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 Chief Judicial Magistrate, Darbhanga in connection with C.R. No. 314 of 2014, 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 complainant to file application for cancellation of bail of the petitioner. The said payment will continue till the complainant does not perform second marriage.

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

(Dinesh Kumar Singh, J.)

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