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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23129 of 2016

Arising Out of Complaint Case No. -3541 Year- 2014 Thana -PURNIA COMPLAINT CASE District- PURNIA

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Md. Mosabbir Alam @ Md. Mosabbir @ Mosabbir Alam Son of Sk. Siddique

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Rubina@Munni Daughter of Zakiruddin

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Zeyaul Hoda, Advocate
For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 27-10-2016 Heard learned counsels for the petitioner, complainant 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 Section 498A of the Indian Penal Code, though complaint was filed under section 376 of the Indian Penal Code also.

It is submitted by learned counsel for the petitioner that though the petitioner was married from before, but accusation against the petitioner was to have ravished the complainant. The petitioner performed marriage with the complainant also. The petitioner is ready to make payment of

Rs.1,000/- per month to the complainant from December, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant submits that the complainant is still ready to resume the conjugal life in spite of the fact that the petitioner was performed marriage from before, though she 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 four weeks.

Considering the present 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, Purnea, in connection with Complaint Case No.3541/2014, 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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