

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4419 of 2016

Arising Out of PS.Case No. -260 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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1. Md. Najim Son of Late Md. Mosim, Resident of Village - Bariol, Police
Station - Kamtaul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shakeela Khatoon, Daughter of Md. Jahir, Resident of Village -
Kamtaul, P.S.- Kamtaul, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 341, 323, 307, 494, 498A/34 of the Indian Penal Code.

The basic accusation is of torture and performing second marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant. The petitionr has performed second marriage,

but he is still ready to keep the complainant as wife with due dignity and honour. Statement to that effect has been made in para- 10 of the petition which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour with respect.”

The petitioner and complainant are present before the Court.

In the alternative, the petitioner is ready to make payment of Rs. 2000/- per month from June, 2016 to the complainant by depositing the same in her account by second week of every month.

It is submitted by the learned counsel for the complainant that since the petitioner has performed second marriage, the complainant is apprehensive about resuming of conjugal rights due to past conduct of the petitioner.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of two weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the

like amount each to the satisfaction of learned Sri B.K. Singh, J.M., Ist Class, Darbhanga in connection with Complaint Case No. 260 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

Three consecutive defaults in making payment will give liberty to the complainant 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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