

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9592 of 2016

Arising Out of PS.Case No. -15017 Year- 2014 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Md. Barkatullah Son of Md. Mahiuddin, Resident of Mohalla - Gogri
Bazar Ward No. 3, Police Station - Gogri, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nikhat Parveen Daughter of Md. Intsar Alam @ Phul Babu Resident of
Village - Aagapur, Police Station - Mansoorchak, District - Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate

For the Opposite Party/s : Mr. Md.Arif (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 12-07-2016

Though, the matter has been listed under the heading for Orders on Office Note awaiting the service report of notice of opposite party no. 2, who has already entered appearance, hence the matter is being taken up on merits.

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

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

Complainant and informant are present.

On instruction, it is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant. The petitioner has divorced the complainant as per Muslim rites and has filed Matrimonial Suit 75 of 2014 for confirmation of divorce. The father of the complainant has admitted the factum of divorce.

It is submitted by the learned counsel for the complainant that complainant has denied the factum of divorce and she is ready to resume the conjugal life.

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

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 on affidavit before the learned court below within a period of three weeks.

Considering the filing of Matrimonial Suit at earlier point of time and 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 Sub-Divisional Judicial Magistrate, Begusarai in connection with Complaint Case No. 15017C 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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