

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10147 of 2016

Arising Out of PS.Case No. -28233 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

Abdul Salam Ansari S/o Abdul Halim Ansari resident of Village -
Goddopur Momin tola, P.S Bangar District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahjadi Khatoon D/o late Md. Moin Presently residing at Mohalla-
Dargi tola, Sabjibagh P.S Purbahore town and District Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur

For the Opposite Party/s : Mr. L.K.Sharma(App)

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

05/ 18-08-2016

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, 323 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the

complainant but the petitioner has given Talak to the complainant as per Muslim rites, though, the said stand was not taken before the learned court below as gets reflected from the impugned order.

Counsel for the complainant submits that the complainant disputes the factum of Talak.

However, in the alternative, the petitioner is ready to make payment of Rs.2,500/- per month from September, 2016 to the complainant by depositing the same in her account by second week of every succeeding month and to make payment of some amount on occasion of festival and communal occasion arises in future.

Counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of two weeks from today and hence, at present she is not opposing the prayer for anticipatory bail.

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, Patna in connection with Complaint Case No. 28233(C) 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 present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J.)

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