

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10203 of 2016

Arising Out of PS.Case No. -191 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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1. Bablu Kuraishi @ Shahjad S/o Chirai @ Babujan Kuraishi Resident of
Village - Garhani, Police Station - Charpokhari, District - Bhojpur Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munni Khatoon, D/o Wohid Kuraishi, W/o Bablu Kuraishi @ Shahjad
Resident of Village Sahebtola Bihiya, P.s. - Bihiya, District - Bhojpur at
Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Pronati Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-10-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 494/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a child but since the informant deserted the petitioner, hence the petitioner has performed second marriage. It is further submitted that petitioner is still ready to keep the informant as wife with dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That it is also relevant to state here that the petitioner is still ready to keep the informant with full honour and dignity”

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the informant that petitioner never took sincere initiative persuading the informant to resume the conjugal life. She never deserted the petitioner and now the informant feel cheated since petitioner has performed second marriage. The marriage between the petitioner and the informant and birth of a child are admitted facts.

However, petitioner, in the alternative is ready to make payment of Rs. 2700/- per month to the informant from December, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of four weeks from today.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks

from today, be released on anticipatory bail, 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, Bhojpur, Ara in connection with Bhojpur Mahila P.S. Case No. 191 of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate 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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