

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14057 of 2016

Arising Out of PS.Case No. -286 Year- 2014 Thana -SABAUR District- BHAGALPUR

- =====
1. Md. Murtaza Imam S/o Late Manjar Imam
 2. Bibi Bano W/o Late Manjar Imam
 3. Md. Haidar Imam S/o Late Manjar Imam
 4. Md. Sabdar Imam @ Md. Safdar Imam s/o Late Manjar Alam
 5. Bibi Sufi D/o Late Manjar Imam
 6. Md. Faisal Imam @ Faisal Imam, S/o Late Manjar Imam
 7. Bibi Arsi D/o Late Manjar Imam
- All Resident of village- Moiuddinpur, P.S.- Hawibpur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Zakia D/o Badda & W/o Md. Murtza Imam, Resident of village- Rajpur, P.S.- Sabour, District- Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

07/ 25-07-2016

Heard learned counsels for the petitioners and the State.

The petitioner no. 1 being the husband of the informant whereas petitioner nos. 2 to 7 being the brothers and sisters of petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 494, 498A, 379/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand and performing second marriage by petitioner no. 1.

Counsel for the petitioners submits that petitioner no. 1 admits his marriage with the informant and is ready to keep the informant with dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the petitioner no. 1 is always ready to keep the opposite party no. 2 with all honour and dignity although it is the opposite party, who on her own has left her matrimonial house without any reason.”

Counsel for the informant submits that petitioner no. 1 was married from before having two children and this fact was concealed from the informant, hence, the informant is not ready to accept the offer of the petitioner.

It is further submitted by learned counsel for the petitioners that the thrust of accusation is against petitioner no. 1 and there is omnibus and general accusation against petitioner nos. 2 to 7. The petitioner no. 1 is Constable in CRPF and the informant was aware about the first marriage and the second marriage is permissible under the Mohammeden Law. However, petitioner no. 1 is ready to make payment of

Rs.3,500/- per month from August, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to accept the offer of petitioner no. 1 and undertakes to submit the bank account number on affidavit before the learned court below within a period of two weeks.

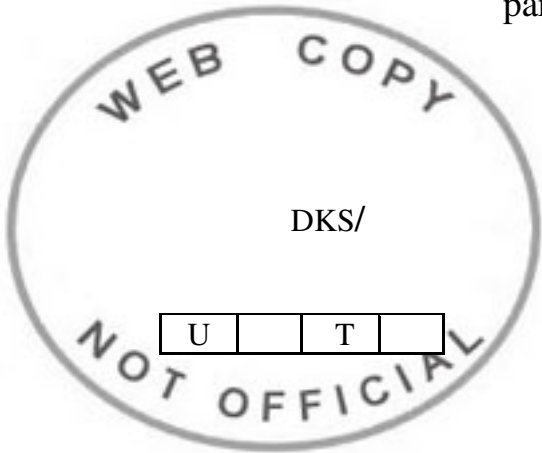
Considering the present stand of petitioner no. 1 and the informant, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 286 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 petitioner no. 1.



The present order, in no way, will preclude the parties to resolve the issue otherwise.



(Dinesh Kumar Singh, J.)