

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11503 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -NANHPUR District- SITAMARHI

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Md. Imtiyaz Son of Md. Ubaid, Resident of village- Bachharpur, P.S.-
Pupri, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Rafat Khatoon @ Mosarrat Pravin, Wife of Md. Imtiyaz and daughter of
Maksood Alam, Resident of village- Bachharpur, P.S.- Pupri, District-
Sitamarhi, presently residing at village- Birad, P.s.- Nanpur, District-
Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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

ORAL ORDER

04/ 16-05-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A/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.

The petitioner and the informant are present in
the Court.

It is submitted by learned counsel for the

petitioner that the admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph 14 of the petition, which reads as follows:- “That, it is stated that the petitioner is ready to keep the informant with full dignity and surety.”

Counsel for the informant submits that the informant is also ready to resume the conjugal life but due to the past conduct of the petitioner she is not ready to resume the conjugal life.

It is submitted by learned counsel for the petitioner that the petitioner kept the minor child of the informant.

In view of the nature of controversy, it appears that the reconciliation is not feasible at present.

However, in alternative the petitioner is ready to make payment of Rs.5,000/- per month from June, 2016 to the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the informant 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 three weeks.

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, Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 223 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present 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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