

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20244 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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Jamshed Ali, son of Serajuddin, Resident of village- Hardiyan, Police Station- Pachrukhi, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Farida Khatoon @ Roma Wife of Jamshed Ali, Daughter of Ekramul Haque Resident of village – Chandpali, P.O. – K.P. Mishrauli, P.S. – Jiradai, District – Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 05-09-2016 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, 341, 323, 406 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. The children are residing

with the informant and the informant is residing in the house of the petitioner. It is further submitted that due to the past conduct of the informant the petitioner is not ready to keep the informant as wife with full dignity and honour. However, the petitioner is ready to make payment of Rs.4,000/- per month from October, 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 the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks. The informant does not dispute this fact that she is residing in favour of the house of the petitioner.

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 Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 10 of 2016, 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 informant 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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