

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23745 of 2016

Arising Out of PS.Case No. -1555 Year- 2014 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Md. Mansoor S/o Md. Nayeem resident of Village- Suryapura, P.S.-
Suryapura, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajmeri Begam W/o Md. Mansoor, D/o Late Md. Kamaluddin resident
of Sapahi, P.O.- Nimej, P.S.- Bramhpur, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-12-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant on 11.04.2004 and birth of three children. The accusation of torture for non-fulfilment of dowry demand after more than ten years of marriage appears to be unreasonable. The petitioner made efforts to reconcile the issue earlier also but the reconciliation failed due to the adamant attitude of the



complainant.

It is submitted by learned counsel for the complainant that complainant is still ready to resume the conjugal life.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 22.09.2016. The report of the Mediator at Flag-B dated 25.11.2016 reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the petitioner that petitioner, in the present scenario is not able to reconcile the issue at present. However, the petitioner is ready to make payment of Rs. 5000/- per month to the complainant from January, 2017, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant 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.

Considering the present stand of the parties, keeping in view of saving the complainant and the minor children from vagrancy and destitution with lurking hope that



the issue may reconcile in future, 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 Sub-Divisional Judicial Magistrate, Buxar in connection with Complaint Case No. 1555(C) of 2014.

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

Three consecutive defaults in making payment will give liberty to the complainant 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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