

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24593 of 2016

Arising Out of PS.Case No. -419 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Belal Mansari @ Md. Belal @ Md. Belal Ansari, Son of Md. Usman, Resident of Village- Baijnathpur, Police Station- Dhoraiya, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Husna Ara Wife of Md. Belal Daughter of Md. Jaliluddin, resident of Village Disharath, Police Station- Sanhaula, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-12-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 504, 323, 307 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of two children, but since the



complainant deserted the petitioner, the petitioner performed second marriage. In the circumstances, at present the petitioner could not keep the complainant as wife.

Learned counsel for the complainant submits that marriage between complainant and petitioner and birth of two children are admitted. The complainant was brutally assaulted and attempt was made to cause burn injury. In spite of the fact that petitioner has performed second marriage, the complainant is ready to resume the conjugal life. The complainant denies the factum of talak.

Learned counsel for the petitioner further submits that in the alternative, the petitioner is ready to make payment of Rs. 3,000/- per month from January, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of four weeks.

Considering the present stand of the parties, keeping in view to save the complainant and children from destitution and vagrancy with lurking hope that the issue may be reconciled in future, 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 419 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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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