

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39472 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Firoj Khan son of late Jahir Khan resident of village - Pawariya Tola
Bagaha, Police Station - Bagaha, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sumayalla daughter of Imam Bismila resident of village - Chikpati Ward
no. 10, Police Station - Town, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the Opposite Party/s : Mr. Rita Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

3 11-01-2016 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being husband of the informant is
apprehending arrest in a case registered for the offences
punishable under Sections 341,504,323,406,313 and 498A/34 of
the Indian Penal Code and sections 3 and 4 of Dowry Prohibition
Act.

The basic accusation is of torture for non fulfillment of
dowry demands and getting the pregnancy terminated.

The petitioner and the informant are present in court.

It is submitted by the learned counsel for the petitioner

that the petitioner admits his marriage with the informant and birth of a female child. The petitioner is still ready to keep them with due dignity and honour.

Learned counsel for the informant submits that the informant is not ready to accept the offer due to the past conduct of the petitioner. More over, the minor child is deaf and dumb and she requires constant care.

In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2500/- per month from February, 2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below. Learned counsel for the informant is not opposing the prayer of the petitioner for anticipatory bail.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of 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 CJM, East Champaran at Motihari in connection with Mahila P.S. Case No.44 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

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

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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