

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36804 of 2016

Arising Out of PS.Case No. -5 Year- 2014 Thana -MAHILA P.S District-
WESTCHAMPARAN(BETTIAH)

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Alamgir Mian @ Jhuna Mian @ Alamgir Ali son of Islam Mian, resident of
Village- Bargajawa, Police Station- Ramnagar, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sagirun Nesha daughter of Mokin Mian, wife of Alamgir Mian @ Jhuna Mian @ Alamgir Ali, resident of Village- Bargajawa, Police Station- Ramnagar, District- West Champaran, at present resident of village- Gurwaliya Kachahari, P.O. Gurwaliya, Police Station- Manuapul (Bettiah), District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 02-12-2016

Heard learned counsels for the petitioner, State

and the informant-opposite party no.2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 504, 494/34 of the Indian Penal Code and 3/5 of Dowry Prohibition Act.



The basic accusation is of torture for non-fulfillment of the dowry demand for performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but when the informant did not conceive the petitioner performed second marriage though the petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That, the petitioner is ready to keep the opposite party no. 2 with full dignity at his house and maintain her.”

It is further submitted that though the investigation has already completed, but, neither the charge sheet has been submitted nor cognizance has been taken under Section 494 of the Indian Penal Code.

Counsel for the informant submits that the informant is not ready to resume the conjugal life since the petitioner has performed second marriage.

However, the petitioner is ready to make payment of Rs.3,000/- per month from January, 2017 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 four weeks and she is not opposing the prayer for anticipatory bail.

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, Bagaha, District – West Champaran in connection with Bagaha Mahila P.S. Case No. 05 of 2014, 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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