

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45719 of 2016

Arising Out of PS.Case No. -22 Year- 2014 Thana -MAHILA P.S. District- SITAMARHI

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Abid Ansari @ Md. Abid Ansari, son of Md. Suleman Ansari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-10-2016

Heard learned counsels for the petitioner, informant
and the State.

The petitioner being the husband of the informant
is languishing in custody since 14.07.2016 in a case registered
for the offences punishable under sections 341, 323, 498A,
494/34 of the Indian Penal Code and 3/4 of the Dowry
Prohibition Act.

Basic accusation is of torture for non-fulfillment of
dowry demand and performing second marriage.

Learned counsel for the petitioner submits that the
petitioner admits his marriage with the informant and he is
ready to keep her as wife with full dignity and honour. A
statement to that effect has been made in para 9 of the petition
which reads as follows:-

"That the petitioner is the husband of the informant and always ready to keep her with all respect and dignity....."

It is further submitted that earlier also the informant filed Complaint Case No.C-1/769/13 wherein process has been directed to be issued after cognizance being taken for the offence punishable under sections 498A of the Indian Penal Code and the petitioner was granted bail by the learned Court below. Moreover, the investigation has already concluded in the present case.

It is submitted by learned counsel for the informant that the petitioner has performed second marriage and he has not made payment of the maintenance amount of Rs.4000/- per month to the informant as awarded vide order dated 7th July 2015 passed by the Principal Judge, Family Court, Sitamarhi in Maintenance Case No.9/2013.

Learned counsel for the petitioner submits that the petitioner is ready to deposit 10% of the arrears of the maintenance amount as awarded in the maintenance case at the time of furnishing the bail bonds and rest arrear of maintenance amount within a period of four months from today, though he has challenged the maintenance order in revision.

Considering the fact that investigation has already

concluded and the present stand of the petitioner of making payment of maintenance amount, let the above named petitioner be released on bail provisionally for four months, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi, in connection with Sitamarhi (Mahila) P.S. Case No.22/2014.

The bail bonds of the petitioner shall be accepted on filing of substantial proof with regard to deposit of 10% of the arrears of the maintenance amount before the learned Principal Judge, Family Court, Sitamarhi, in Maintenance Case No.9/2013, which is expected be released in favour of the informant.

The provisional bail of the petitioner will be confirmed by the learned Court below on payment of entire maintenance amount, but such payment will be subject to the order of maintenance being modified by any competent Court.

(Dinesh Kumar Singh, J)

Ashwini/-

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