

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43805 of 2015

Arising Out of Complaint Case No.769 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Md. Najbullah son of Md. Hedayat,

.... Petitioner/s

Versus

1. The State of Bihar

2. Ammeerun Nesha wife of Md. Najbullah and daughter of Md. Habib,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. S. Eheteshmuddin (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 307, 406 and 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Prosecution case is of torture for non-fulfillment of dowry demand and made an attempt to kill the complainant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but just after the marriage the complainant deserted the petitioner, hence, there is no chance to reconcile the issue.

It is further submitted that there was some talk with the

complainant and the complainant agreed to part ways by filing appropriate application before the learned Court below. On that ground the matter was adjourned on 16.02.2016 for today.

It appears that notices were issued to the complainant vide order dated 15.09.2015 but in spite of valid service of notice the complainant chosen not to appear. Today also none is appearing on behalf of the complainant when the case is called out.

It is further submitted on behalf of the petitioner that the petitioner is ready to make payment of Rs. 500/- per month to the complainant from May, 2016 by depositing the same in the bank account of the complainant by second week of every month.

Considering the present stand of the petitioner, 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 12 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 the learned Judicial Magistrate, 1st Class, Bagha, West Champaran, in connection with Complaint Case No.C 769 of 2013 , subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is expected from the petitioner that he will serve a

copy of this order to the complainant within a period of three weeks when it is expected that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below. Till submission of bank account, the money will be deposited before the learned Court below which will be released by the learned court below if such an application is filed by the complainant.

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 complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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