

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35463 of 2016

Arising Out of Complaint Case No. -263 Year- 2015 Thana -ROHTAS COMPLAINT CASE
District- SASARAM (ROHTAS)

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Mohammad Akbar Ali @ Akbar Ali S/o Md. Amir

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2016

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 498A, 323/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a female child. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.8 of the petition, which reads as under :-

"That the petitioner was and is still ready to keep his wife with all love and dignity...."

It is further submitted that similar was the stand of the petitioner before the learned Court below but the complainant refused to accept the offer of the petitioner as she was apprehensive due to the past conduct of the petitioner, which gets reflected from the 2nd last paragraph of the impugned order. However, in the alternative, the petitioner is ready to make payment of Rs.1,500/- per month to the complainant from September, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding 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 SDJM, Bikramganj, Rohtas, in connection with Complaint Case No.263/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant as well as the counsel appearing on behalf of the complainant before the learned Court below 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. If the complainant either declines to accept the offer of the petitioner or failed to submit the bank account number, the amount will be deposited before the learned Court below, subject to result of the case.

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 complainant to résumé the conjugal life and if she so wishes and files an application before the learned court below then learned court below will issue notice to the petitioner when the petitioner will be obliged to comply the undertaking given before this court.

(Dinesh Kumar Singh, J)

Ashwini/-

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