

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34410 of 2016

Arising Out of Complaint Case No. -187 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

=====

Md. Firoj Ansari son of Md. Imran Ansari

.... Petitioner/s

Versus

1. The State of Bihar

2. Rijwana Parveen wife of Md. Ansari, daughter of late Rasid Ahmed

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2016

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 Section 498A 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 he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.9 of the petition, which reads as under :-

"That the petitioner is ready to keep his

wife/complainant with love, dignity and honour what she deserves as wife....."

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. The petitioner has also filed Matrimonial Suit No.30A of 2015, for restitution of conjugal rites and in alternative the petitioner is ready to make payment of Rs.1,000/- 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, Bhagalpur, in connection with Complaint Case No.187/2015, 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 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. In the event, if the complainant refused to accept the offer of the petitioner or fails to submit her bank account number before the learned Court below, the amount will be deposited before the learned Court below, which will be deposited in some fixed deposit scheme.

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.

Ashwini/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--