

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53220 of 2015

Arising Out of PS.Case No. -26 Year- 2014 Thana -JHANJHARPUR District- MADHUBANI

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1. RAUF KHAN @ MD. RAUF KHAN son of Nizam Khan, resident of village- Sahpur, P.S. Jhanjharpur (O.P. Araria Sangram), District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Saleha Khatoon D/o- Sabir-ur-Rehman, resident of village- Singhdaha, P.S.- Jhanjharpur (O.P. Araria Sangram), District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-05-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 379, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

The petitioner and informant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant having no issue. It is further submitted that earlier informant filed Ghoghardiha P.S. Case No. 40 of 2010, Trial No.



3184 of 2010, in which the petitioner was ultimately acquitted on the basis of compromise vide judgment dated 29.10.2010 passed by learned Sub-Divisional Judicial Magistrate, Jhanjharpur, but the issue could not be ultimately reconciled hence, it is not possible for the petitioner to keep the informant as wife. However petitioner is ready to make payment of Rs. 1500/- per month from June, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of three weeks. Moreover the informant is not opposing the prayer for bail of he petitioner.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Jhanjharpur (O.P. Araria Sangram) P.S. Case No. 26 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The petitioner undertakes to supply a copy of the

order to the informant within a period of three weeks when it is expected from the informant to submit the bank account number by filing the same on affidavit before the learned court below within a period of three weeks.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance 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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