

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33737 of 2016

Arising Out of PS.Case No. -2460 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Ali Ahmad @ Ali Ahmad Sai son of Late Noor Nayan Sai Resident of
village - Hussepur Nand, Police Station - Basantpur, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shajma Khatoon wife of Ali Ahmad @ Ali Ahmad Sai Resident of
village - Hussepur Nand, Police Station - Basantpur, District - Siwan. At
present daughter of Ahmad Sai, Resident of village - Jalalpur Khurd,
Police Station - Sidhwaliya, District - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 09-08-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and is ready to keep the complainant as wife with



full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition. It is further submitted that similar was the stand of the petitioner before the learned court below when the matter was referred to the Mediation but the issue could not settled due to the apathetic attitude of the complainant. In the alternative, the petitioner is ready to make payment of Rs.1,500/- per month from September, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Considering the present stand of the petitioner coupled with the statement made in paragraph 11 of the petition as well as offer of payment, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Gopalganj in connection with Complaint Case No. 2460 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner undertakes to supply a copy of this order to the complainant within a period of two weeks

when it is expected that the complainant will supply bank account number by filing the same on affidavit before the learned court below. If the complainant declines to accept the offer of the petitioner or fails to submit the bank account number within a period of three weeks then the learned court below will deposit the same in Nazarat of the Civil Court which will be subject to the result of the case.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.

Three consecutive defaults in making payment will give liberty to the complainant 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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