

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51945 of 2015

Arising Out of PS.Case No. -122 Year- 2014 Thana -PARIHAR District- SITAMARHI

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1. Md. Jahir Ahmad son of Md. Habib @ Md. Habib Ansari resident of village- Parsandih, P.S. Parihar, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 30-06-2016

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 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.

Petitioner and informant is present before the Court.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the informant and ready to keep the informant as wife with full dignity and honour. Statement to that effect has not been made in the petition. The petitioner has filed Matrimonial Suit No.

159 of 2015 for restitution of conjugal rights.

It is submitted by the learned counsel for the informant that informant is not in a position to accept the offer of the petitioner since the petitioner has performed second marriage.

However, the petitioner is ready to make payment of Rs. 12,00/- per month from August, 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 on affidavit before learned court below within a period of three weeks.

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 Sri Niraj Kumar, J.M. Ist Class, Sitamarhi in connection with Parihar P.S. Case No. 122 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

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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