

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55235 of 2015

Arising Out of PS.Case No. -3789 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

=====

1. Md. Shamim Ahmad @ Shamim Ahmad son of Md. Saukat Ali, resident of village- Fatahpur Dr. Babu Ka Tola, P.S.- Derni, District- Saran. At present- New Bharat Chemicals Works, Dubra, P.S.-Para, District- Purliya, West Bengal.

..... Petitioner/s

Versus

1. The State of Bihar.

2. Najreen Khatoon daughter of Md. Islamuddin, resident of village- Kamalpur, P.O.- Khanpur via Dighwara, P.S.- Awtar Nagar, District- Saran.

..... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 22-08-2016 Heard learned counsel 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 Sections 323, 406, 498A, 307 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.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the



complainant and birth of two children, but the petitioner claims to have given talak to the complainant as per Muslim rites. It is further submitted that no cause of action ever arose in the territorial jurisdiction of Chapra court as the petitioner and the complainant use to reside at Purulia in the Bardwan District of West Bengal.

It is submitted by the learned counsel for the complainant that complainant disputes the factum of talak. The complainant is ready to resume the conjugal life and she also unable to maintain herself and the children.

In the alternative, the petitioner is ready to make payment of Rs. 2500/- per month from October, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned court below within a period of three weeks.

Considering the factum of talak in dispute and 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 Sub-Divisional Judicial

Magistrate, Saran at Chapra in connection with Complaint Case No. 3789 of 2013, 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 complainant within a period of three weeks when it is expected from the complainant to submit her bank account number by submitted 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 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)

P.K./-

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