

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55345 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -SIKARHATA District- BHOJPUR

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1. Manjoor Alam Son of Late Reyajuddin Resident of Village - Sikarhata Kala, P.S. - Sikarhata, District - Bhojpur at Ara (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hasina Begum Daughter of Taj Mohammad Wife of Manjur Alam Resident of Village - Sikarhata P.S. Sikarhata Kala, District - Bhojpur presently residing at Village - Saraiya, P.S. - Ksrishnagarh, Barhara, District - Bhojpur at Ara (Bihar).

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. U.L.Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 11-08-2016 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, 341, 323, 494/34 of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the informant and he is still ready to keep the informant as wife with due dignity and honour. Statement to that effect has been made in para- 9 of the petition which reads as follows:-

“That the petitioner is always ready to keep the informant as his wife

with full honour and dignity.”

Further accusation is of performance of second marriage.

Learned counsel for the petitioner submits that the second marriage is permissible in Muslim community.

Learned counsel for the informant submits that at present the informant is not ready to accept the offer of the petitioner, since the petitioner has performed marriages twice after deserting the informant.

However, learned counsel for the petitioner submits that in the alternative, the petitioner is ready to make payment of Rs. 1,000/-- per month from September, 2016 to the informant by depositing the same in her account by second week of every succeeding 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 the learned court below within a period of two 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 Sub-Divisional

Judicial Magistrate, Bhojpur at Ara in connection with Sikarhata Police Station Case No. 28 of 2015, 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 two weeks when it is expected from the informant to submit her bank account number by filing the same on affidavit before the learned court below within a period of two 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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