

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.95 of 2016

Arising Out of PS.Case No. -220 Year- 2015 Thana -GAYA KOTWALI District- GAYA

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1. Sartaj Khan Son of Sarfaraz Khan Resident of Mohalla- Ali Nagar,
Behind Paani Tanki, Tikri Road, Po +P.s -Aurangabad(town),District
Aurangabad(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Noorjabeen Daughter of late jalil Ahmed, Wife ofn Sartaj Khan
Resident of Mohalla- Kathokar talab, Fazal Bari Lane, Ps. Kotwali,
District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakib Ayaz
For the Opposite Party/s : Mr. Indu Bala Panday(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 04-10-2016 The petitioner being husband of the
informant is apprehending his arrest in a case registered for
the offences under Sections 498A/34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant and birth of a male child. It is further submitted that
now the petitioner is ready to keep the informant and child with
dignity and honour though a statement contrary to the above
has been made in para 3 of the supplementary affidavit.

It is submitted by learned counsel for the

informant that informant is not ready to resume the conjugal life since the petitioner has performed second marriage.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 21.06.2016. The report of the Mediator at Flag-M dated 29.08.2016 reflects that the issue could not be resolved through the process of mediation.

In the alternative, petitioner is ready to make payment of Rs. 6000/- per month to the informant from November, 2016, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 220 of 2015.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate 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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