

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6215 of 2016

Arising Out of PS.Case No. -1491 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Babar Ansari Son of Late Kashid Ansari @ Kohid Ansari, Resident
of Village - Makramdih, P.S. - Rajourn, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Ishrat Khatoon, wife of Babar Ansari, Daughter ofr Md. Nisar,
Resident of Village - Makramdih, P.S. - Rajourn, District - Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party/s : Mr. J.N. Thakur(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 23-06-2016 The matter has been listed under the heading for

Orders on Office Notes since the complainant has entered

appearance and matter is taken up on merits.

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 in

which processes have been directed to be issued after

cognizance being taken for the offences punishable under

Sections 147, 148, 149, 323, 307, 406, 498 of the Indian Penal

Code.

The basic accusation is of torture for non-

fulfillment of dowry demand.

The petitioner and complainant are present.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and birth of a male child, but the petitioner has given talak to the complainant as per the Muslim rituals.

It is submitted by the learned counsel for the complainant that complainant denies the factum of talak and is ready to resume the conjugal life.

However, learned counsel for the petitioner submits that petitioner is not ready to keep the complainant, but is ready to make payment of Rs. 2500- per month from July, 2016 to the complainant by depositing the same in her account by second week of every 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 within a period of two weeks. Moreover the complainant is not opposing the prayer for bail of the petitioner.

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 A.S. Prasad, J.M., Ist Class, Bhagalpur in connection with Complaint Case

No. 1491 of 2015, 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 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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