

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14655 of 2016

Arising Out of PS.Case No. -87 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Shamsh Tabrej Son of Md. Nayeemuddin Resident of Village- Jogiya,
Jogiya, PS Aaluli, District Khagaria

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gulnaj Khatoon Daughter of late Maulana Manjur , Wife of Shamsh
Tabrej at Bhaya Kundl PS Kusheshwar Asthan, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Ram Naresh Roy (App)

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

05/ 18-08-2016

Heard learned counsels 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 341, 323, 324, 498A/34 of
the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand. It is also alleged that the
petitioner assaulted the informant with knife.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant and birth of three children and still ready to keep

them with dignity and honour. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:

“That, the petitioner is husband of the informant. The petitioner is ready to live with his wife full dignity and affection.

Counsel for the informant submits that the informant is apprehensive due to past conduct of the petitioner, hence, she is not inclined to accept the offer of the petitioner at present.

However, in the alternative, the petitioner is ready to make payment of Rs.3,000/- per month from September, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit the bank account number on affidavit before the learned court below within a period of two weeks from today and hence, at present she is not opposing the prayer for anticipatory bail.

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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Biraul, District - Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 87 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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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