

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19160 of 2016

Arising Out of PS.Case No. -1633 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Azharudding Ahmad @ Azharuddin Ahmad Son of Sharfuddin Ahmad,
Resident of Sunrise Plastic Works, Opposite to Science College at Ashok
Rajpath,P.S. - Pirbahore, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shashia Nikhat, Wife of Azharuddin Ahmad, Daughter of Aftab Alam,
Mohalla - Azimabad Colony (Bhagwati Gali),P.O. - Mahendru,P.S. -
Sultanganj, District -Patna-800006

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. P.K.Jha (App)

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

ORAL ORDER

04/ 19-09-2016

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

The basic accusation is of torture.

The petitioner and the complainant are present
in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 14.07.2016. The report of the Mediator at Flag 'A' reflects that the petitioner was ready to keep the complainant as wife but the offer was not acceptable to the complainant and she was only ready to take one time settlement amount for which the petitioner cannot be ready. However, the petitioner is ready to make payment of Rs.4,000/- per month from November, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the complainant 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 four 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 1633(C) 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 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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