

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33621 of 2015

Arising Out of PS.Case No. -1486 Year- 2011 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Md. Anamul Mansoori, Son of Raut Ansari, Residing at Village- Pakaria,
P.S.- Baigania, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahida Khatoon, W/o Md. Anamul Mansoori, D/o Jalil Mansoori,
Resident of Village- Patahi, P.S.- Bairgania, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 18-01-2016 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 Section 498A of the Indian Penal Code.

The basic accusation is of torture.

Notices were issued to opposite party no. 2 vide order dated 13.08.2015. The office notes dated 27.11.2015 reflects that ordinary process of notice served upon learned counsel for complainant appearing before the learned Court below, but till date none is appearing on

behalf of opposite party no. 2. The matter was adjourned on 30.11.2015 for today. Today also none is appearing on behalf of the complainant.

It is submitted by the learned counsel for the petitioner that issue has been resolved between petitioner and complainant to part wages of payment of permanent alimony of Rs. 1,00,000/-, out of which the petitioner has made payment of Rs. 60,000/- and Rs.40,000/- has to be paid at the time of furnishing bail bond of the petitioner. Statement to that effect has been made in paras 8, 9 and 13 of the petition which reads as follows:-

“8. That the bona fide interference of the bail wishers and relative of the petitioner and complainant both the parties agreed to live separate to each other as per their custom and rites the complainant taking lifetime alimony of Rs. 1 lac.

9. That out of 1 lac sixty thousand had been paid at the time of the disposal of anticipatory bail petition no. 913 of 2014 Raut Mansoori and Sairul Khatoon were admitted on anticipatory bail and it was fixed that rest forty thousand rupees has to pay at the time of the anticipatory bail petition is petitioner husband.

13. That it is stated that in terms of compromise entered in between the petitioner and his wife, petitioner is hereby paying the remaining amount Rs. 40,000 to his wife Sahida Khatoon by way of cash at the time of furnishing bail bond.”

Considering the fact that complainant has chosen not to controvert the stand of the petitioner, let the above

named petitioner be released on 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 Deepak Kumar, J.M., Ist Class, Sitamarhi in connection with Complaint Case No. C1/1486 of 2011, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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