

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26941 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -SULTANGANJ District- PATNA

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1. Md. Taqui Imam @ Taqui Imam S/o Late Md. Razy Ahmad Resident of Village - Agoorpur, P.S. - Lodipur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shahin Fatima W/o Taqui Imam, D/o Md. Abdus Samad resident of Village - Faiz Manzil, Dargha Ghera Road, P.S. - Sultanganj, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-09-2016 The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences under Sections 498A, 379, 323, 504, 506 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.

The petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a male child. The petitioner is ready to keep the informant with full dignity and honour. A statement to that effect has been made in para 6 of the petition which reads

as follows:-

“That the petitioner is willing and ready to keep and maintain the informant with full dignity.”

It is further submitted that similar was the stand of the petitioner before learned court below but the informant declined to accept the offer of the petitioner as gets reflected from the impugned order.

It is submitted by learned counsel for the informant that informant is not ready to accept the offer of the petitioner since she is apprehensive due to the past conduct of the petitioner, the way he tortured the informant when the informant was pregnant.

On the joint prayer of the parties, vide order dated 29.06.2016, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag-B dated 22.08.2016 reflects that the issue could not be resolved through the process of mediation.

In the alternative, petitioner is ready to make payment of Rs. 3000/- per month to the informant from October, 2016, by depositing the same in the bank account of the informant by second week of every consecutive 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, Patna in connection with Sultanganj P.S. Case No. 92 of 2016.

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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