

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48762 of 2015**

Arising Out of PS.Case No. -245 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

=====

1. Ezaz @ Md. Ezaj son of Late Kalim, Resident of village- Madarganj,  
P.S.- Simraha, District- Araria

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bibi Tabassum daughter of Nasib, Resident of village- Madarganj, P.S.-  
Simraha, District- Araria

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

=====

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

**ORAL ORDER**

4      12-07-2016                      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 wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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 his marriage with the complainant and birth of four children, but the petitioner has

filed Matrimonial Suit No. 01 of 2015 on 13.01.2015 with a prayer for divorce and thereafter the present complaint has been filed on 27.01.2015. It is further submitted that the children are residing with the petitioner.

On the joint prayer of the parties, the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority vide order dated 15.03.2016. The report of the Mediator at Flag-A dated 19.05.2016 reflects that the issue could not be resolved through process of mediation. It appears that the issue is not likely to be resolved.

However, the petitioner is ready to make payment of Rs. 2,000/- per month from August, 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 on affidavit before the learned court below within a period of three 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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case

No. 245C 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)**

P.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|