

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38135 of 2016

Arising Out of Complaint Case No.-1496 Year- 2014 Thana -GAYA COMPLAINT CASE District-
GAYA

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Md. Faizullah @ Md. Raja Ahmad Son of Md. Kabir

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asghari Khatoon D/o Md. Zakir Hussain,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.17 of the petition, which reads as under :-

"That it is submitted here that the petitioner is the husband of complainant and always ready to keep his wife and maintain her with all social prestige and dignity,"

It is further submitted that similar was the stand of the petitioner before the learned Court below, but the impugned order reflects that the complainant declined to accept the offer of the petitioner.

Under the circumstances, in alternative, the petitioner is ready to make payment of Rs.1500/- per month to the complainant from October, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned SDJM, Gaya, in connection with Complaint Case No.1496/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner will serve a copy of this order to the complainant as well as her counsel appearing before the learned Court below within a period of three weeks when it is expected that the complainant will supply her bank account number to the petitioner by filing the same on affidavit before the learned court below. However, in the event, if the complainant fails to submit

her bank account number or, on appearance, she declines to accept the offer of the petitioner, the aforesaid amount will be deposited before the learned Court below, subject to result of the case.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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