

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1353 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Shahabuddin Khan son of Nejabul Khan resident of village - Sripur
Kavaiya, P.S. - Ghorasahan, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Moiuddin Khan Son of Hesham Khan resident of village - Pakariya
Paithan Patti, P.S. - Darpa, District - East Champaran.
3. Hena Khatoon daughter of Moiuddin Khan R/o village – Pkariya
Paithan Patti, P.S. Darpa, District – East Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

=====

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

ORAL ORDER

04/ 17-05-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the daughter
of the informant is apprehending his arrest in a case registered
for the offences punishable under Sections 498A, 504 of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand.

The petitioner and the daughter of the informant
are present in the Court.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the daughter of the informant and birth of a female child, but the petitioner claims that the petitioner has given Talak to the informant's daughter and Matrimonial Case No. 359 of 2015 has been for confirmation of Talak.

Counsel for the informant submits that the daughter of the informant is ready to resume conjugal life. The daughter of the informant denies the factum of Talak.

However, in alternative, the petitioner is ready to make payment of Rs.2,000/- per month from June, 2016 to the daughter of the informant by depositing the same in her account by second week of every month.

Counsel for the informant submits that the daughter of the informant 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 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 bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 217 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present 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 daughter of 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.)

DKS/

U		T	
---	--	---	--