

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7173 of 2016

Arising Out of PS.Case No. -140 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

=====

Md. Ibran Son of Kurwan Resident of Village-Karvella, P.s Ranipatra,
District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Razida Khatoon Wife Of Md. Ibran , daughter of Azabul Resident of Village-Muslim tola, Gopalpur, Police Station Gopalpur, District Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 30-06-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A/34 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.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and is ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-



“That the petitioner is husband of the informant and he is always ready to keep the informant (his wife) with him all the dignity and pride if she wishes so under the acceptable social norm.”

It is further submitted that the similar was the stand of the petitioner before the learned court below but the informant is not ready to accept the offer as she claims that petitioner has performed second marriage.

Counsel for the petitioner submits that the petitioner admits performance of second marriage but still he is ready to keep the informant as wife with full dignity and honour.

Counsel for the informant submits that the she is being tortured due to the performance of second marriage hence, she is not ready to accept the offer of the petitioner.

However, counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2,000/- per month from August, 2016 to the informant by depositing the same in her account by second week of every succeeding month.

Counsel for the informant submits that 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 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 Additional Chief Judicial Magistrate, Naugachia in connection with Gopalpur P.S. Case No. 140 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned 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 informant 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.)

DKS/

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