

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23146 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

Naushad Ali @ Md. Naushad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 01-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 379 and 494/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but after divorce under the Muslim ritual, the petitioner has performed second marriage.

The petitioner and the informant are present in the court.

Counsel for the informant submits that in the present situation, the reconciliation is not feasible and the informant

denies the factum of divorce.

In the alternative, the petitioner is ready to pay ₹3,000/- per month to the informant from March, 2016 by depositing the same in the bank account of the informant by second week of every month.

It is submitted by learned counsel for the informant that the informant is ready to accept the offer of the petitioner and also undertakes to supply her bank account number to the petitioner by submitting the same on affidavit before the learned court below within a period of three weeks.

Considering the stand of the parties, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 42 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 informant to file an 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)

Amrendra/-

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