

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24646 of 2016

Arising Out of Complaint Case No.. -547 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Mohammad Zafeer son of Late Sheikh Hifazuddin

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jareen aKhatoon wife of Zafeer, D/o Kamrul Hoda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. B.M.P Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-09-2016

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 Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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.6 of the petition, which reads as under :-

"That the petitioner had tried his best to keep the complainant with full dignity and honour and is still ready to

keep her in the matrimonial house...."

It is further submitted that the petitioner filed Matrimonial Suit No.213M/2015 for restitution of conjugal life. Similar was the stand of the petitioner before the learned Court below, but the impugned order reflects that the issue could not be reconciled. Moreover, the complainant has lodged another case being Sikta P.S. Case No.46/2016 with accusation under section 498A IPC.

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner since She is apprehending due to the past conduct of the petitioner.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs. 1,500/- per month to the complainant from November, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of four weeks.

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, Bettiah, West Champaran, in connection with Complaint Case No.547C/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 will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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