

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15889 of 2016

Arising Out of PS.Case No. -167 Year- 2015 Thana -MAHILA P.S. District- BHOJPUR

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1. MD.RAMJAN ANSARI @ MD. RAMZAN ANSARI @ RAMZAN ANSARI Son of Md. Isha Anshari Resident of Village - Bog Mushi Ki Gali, Dalvani, P.S. - Dumraon, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Anshari Ashima Wife of Ramjan Anshari @ Md. Ranjan Ansari, Daughter of Abdul Khalik Resident of Village - Cheghata, P.S. - Ara Muffasil, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-04-2016 The petitioner being husband of the informant apprehending his arrest in a case registered for the offences under Sections 341, 324, 498A, 379/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and making assault.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and is ready to keep the informant with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That it is humbly
submitted that petitioner is willing to keep his wife

with a great respect but informant does not want to live with the petitioner.....”

It is further submitted that though petitioner has filed Matrimonial Suit No. 406 of 2015 with a prayer for divorce but the same has been withdrawn. A supplementary affidavit to that effect has been filed.

It is submitted by learned counsel for the informant that informant is not ready to accept the offer of the petitioner since she is apprehensive due to the past conduct of the petitioner.

In the alternative, petitioner is ready to make payment Rs. 2000/- to the informant from June, 2016, by depositing the same in the bank account of the informant by second week of every consecutive month.

It is submitted by learned counsel for the informant that the offer is acceptable to the informant who undertakes to supply her bank account number within a period of four weeks by submitting the same on affidavit before learned Court below.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned

Chief Judicial Magistrate, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 167 of 2015.

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

Three consecutive defaults in making payment will give liberty to 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)

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