

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13050 of 2016

Arising Out of PS.Case No. -2133 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Faizan Son of Mojibur Rahman Resident of Village Nandniya, PS
Routa, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Sahina D/o late Abdul Jalil Resident of Village- Kapalfuta
Nandniya,Po Mirpur PS Routa District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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

03/ 08-08-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the

complainant is apprehending his arrest in a complaint case

wherein processes have been directed to be issued after

cognizance being taken for the offences punishable under

Sections 498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present

in the Court.

It is submitted by learned counsel for the

petitioner that the petitioner was forced to marry with the

complainant against which Informatory Petition No. 1246 of 2015 was filed by the father of the petitioner on 23.05.2015 and thereafter the present complaint was filed on 24.06.2015.

Counsel for the complaint submits that the petitioner established physical relationship with the complainant on promise of marriage and when she got pregnant then he was not married and subsequently he got the pregnancy terminated.

It is further submitted by learned counsel for the petitioner that the reconciliation is not feasible at present. However, the petitioner is ready to make payment of Rs.1800/- per month from September, 2016 to the complainant by depositing the same in her account by second week of every succeeding month.

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 three weeks.

Considering inconsistent stand of matrimonial relationship between the parties and the present stand with regard to payment, 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 Judicial Magistrate, Ist Class, Purnea in connection with Complaint Case No. C.A. 2133 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 complainant 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.)

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