

[illegible]

1. Md. Ishtiyak Ansari son of Tajmul Ansari Resident of Village- Nathuni
Ke Bag Police Station- Dumraon, District- Buxar.

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Binay Kumar
For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

3 05-09-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

It is submitted by learned counsel for the petitioner that complainant earlier filed Bhojpur Mahila P.S. Case No. 265 of 2014 with similar accusation under the jurisdiction of Ara District while the present complaint has been filed under the jurisdiction of Buxar District with similar accusation. In the other case, the petitioner has been granted anticipatory bail by a coordinate Bench of this Court vide order

dated 14.07.2015 passed in Cr. Misc. No. 25471 of 2015 as contained in Annexure-2 series since complainant was not ready to accept the offer of the petitioner for resumption of the conjugal life when petitioner was directed to make payment of Rs. 2000/- per month to the complainant.

It is submitted by learned counsel for the petitioner that petitioner is still ready to keep the complainant with dignity and honour. Though specific statement to that effect has not been made in the petition but intention of the petitioner gets reflected from the averments made in para 10 of the petition which reads as follows:-

“That it is submitted that

the opposite party no. 2 is not ready to live with the petitioner whereas the petitioner several times requested as well physically approached to the opposite party no. 2 to live at Matrimonial Home but she never returned to the matrimonial home.”

The notices were issued to the complainant vide order dated 05.05.2016. The office note dated 02.09.2016 reflects that ordinary process of notice has been served to the complainant/O.P. No. 2 through her lawyer appearing before learned Court below.

In the circumstances, the notices issued to the complainant/O.P. No. 2 deemed to be validly served.

Considering the fact that earlier complainant declined to accept the offer of the petitioner to resume the

conjugal life and the claim of the petitioner that petitioner is making payment of Rs. 2000/- per month to the complainant in pursuance to the order passed in Cr. Misc. No. 25471 of 2015, 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 Sub-Divisional Judicial Magistrate, Buxar in connection with Complaint Case No. 746(C) of 2014.

The bail bonds of the petitioner will be accepted on filing proof of the up-to-date payment of the maintenance amount of Rs. 2000/- per month as directed by a coordinate Bench of this Court in Cr. Misc. No. 25471 of 2015.

(Dinesh Kumar Singh, J)

Shageer/-

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