

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35384 of 2015

Arising Out of PS.Case No. -48 Year- 2014 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Babar Gilani S/o Md. Nasim Ahmad, Resident of Mohalla- Panchaitiya Akhara, P.S.- Kotwali, District- Gaya, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Shagufta Perween D/o Anwar Sarwar, Resident of Village- Sohdi, P.O. & P.S.- Sohsarai, District- Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-01-2016 Heard learned counsels for the petitioner, informant and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,313,406,423 and 506 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and getting the pregnancy terminated.

The petitioner and the informant are present in court.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant and



birth of two children. It is further submitted that the petitioner though was employed at Noida at the behest of the brothers of the informant but now due to their ugly conduct he left the job and is residing at Gaya with his parents and conduct some business. Hence, the petitioner is ready to keep the informant and children with due dignity and honour. Earlier also in 2008 a complaint was filed by the informant with similar accusation which got dismissed for default and the petitioner has filed Matrimonial Suit No. 130 of 2014 for restitution of conjugal rights.

Learned counsel for the informant submits that the children of the informant are studying at Delhi in Class II and IV respectively hence she is persuading the petitioner to reside at Delhi for the better education of the children. The petitioner has withdrawn the restitution case.

In the circumstances, the issue does not appear to be reconciled at present. However, in the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4000/- per month from February,2016 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant is ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three

weeks by submitting the same on affidavit before the learned court below.

Considering the present 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 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 CJM, Nalanda at Bihar Sharif in connection with Mahila P.S. Case No.48 of 2014 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, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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