

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34018 of 2016

Arising Out of PS.Case No. -26 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Md. Soyeb son of Abdul Hafiz.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

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 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that that the petitioner admits his marriage with the complainant and birth of a male child. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition which reads as follows:-

“That the petitioner being husband is still ready to

settle all disputes and wants to keep his wife with all dignity and honour....”

It is further submitted that similar was the stand of the petitioner before the learned court below and consequently the matter was referred to the mediation centre but during mediation, the complainant declined to accept the offer of the petitioner.

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

It is further submitted on behalf of the petitioner that in the alternative petitioner is ready to pay ₹1,500/- per month from September, 2016 to the complainant by depositing the same in the bank account of the complainant by second week of every month.

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner who also undertakes to supply her bank account number to the petitioner by filing the same on affidavit before the learned court below within a period of two weeks.

Considering the 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten

thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur in connection with Complaint Case No. 26 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 complainant to file an application for cancellation of bail of the petitioner.

The present order in no way will preclude the parties to settle the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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