

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28326 of 2016

Arising Out of Complaint Case No. -3326 Year- 2015 Thana -KATIHAR COMPLAINT CASE
District- KATIHAR

=====

Murtaza Ali @ Martuza Ali son of Late Azimuddin

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sufera Khatoon wife of Murtaza Ali, D/o Lukman

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Smt Anuradha Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-08-2016

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 and 323/34 of the Indian Penal Code.

Prosecution case is that the complainant was married with the elder brother of the petitioner in 2002 but after death of her husband the complainant married with the petitioner in 2008. Subsequently, after 3-4 years remaining peacefully with the petitioner the dowry demand was made and the complainant was driven out from the matrimonial house, though, in the meantime, she gave birth to two children and thereafter the petitioner

performed second marriage in 2009.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but since the complainant deserted the petitioner hence he performed second marriage but two children of the complainant are residing with the petitioner.

The impugned order reflects that neither the petitioner was ready to keep the complainant nor he was ready to make payment of maintenance amount.

Mr. Anamul Haque, learned counsel for the complainant, submits that the complainant is only claiming some monthly amount for her survival and is not opposing the prayer for bail of the petitioner.

It is submitted on behalf of the petitioner that now as alternative the petitioner is ready to make payment of Rs.2,000/- per month to the complainant from September, 2016 by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is further submitted on behalf of the complainant that she is ready to accept the offer of the petitioner, undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the petitioner, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in connection with Complaint Case No.3326/2015, 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 will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

Ashwini/-

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