

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40506 of 2016

Arising Out of PS.Case No. -2163 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Nuruddin Masum @ Pappu Son of Anish Ahmad, resident of Mohalla- Ara Milki, in front of Mahrun Maszid, P.S.- Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nusrat Pravin, D/o Irshad Ansari, resident of Mohalla- Champa Nagar, P.S.- Nath Nagar, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain
For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2016 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 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of a female child. The petitioner is still ready to keep the complainant and the child with full dignity and honour. A statement to that effect has been made in para 5 of the petition which reads as follows:-

“That the defence case of this petitioner is that the petitioner has been falsely implicated in this case due to enmity and this petitioner is the husband of the victim and he is still ready to keep her with him and her child suitably”

It is submitted by learned counsel for the complainant that complainant is not ready to resume the conjugal life due to the past conduct of the petitioner.

In the alternative, petitioner is ready to make payment of Rs. 1500/- per month for the welfare of the child from November, 2016, by depositing the same in the bank account of the complainant by second week of every succeeding month.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner and undertakes to supply her bank account number by submitting the same on affidavit before learned Court below within a period of three weeks.

Considering the present stand of the parties, 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, Bhagalpur in connection with Complaint Case No. 2163 of 2013.

The above payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file appropriate 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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