

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48615 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -MAHILA P.S. District- PURNIA

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Anisur Rahman, S/o Saidur Rahman, R/o village- Basantpur, P.S.- Purnea
Sadar, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Rahat Bano, D/o Shamim Akhtar, R/o Saira Milik, P.S.-Falka, District-
Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha-Ii(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 04-07-2016

Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 498A/34 of the Indian Penal Code
and 3/4 of the Dowry Prohibition Act.

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

The petitioner and informant are present.

It is submitted by the learned counsel for the
petitioner that petitioner admits the marriage with the
informant. The petitioner has filed Matrimonial Suit No. 115 of
2015 for restitution of conjugal rights and thereafter the
present First Information Report has been lodged. Though, it
has wrongly been mentioned in the order dated 25.08.2015
that Matrimonial Suit has been filed with a prayer for divorce.

The order dated 25.08.2015 is modified to the extent as indicated above. It is further submitted that now the petitioner has performed second marriage which is permissible under the Muslim Law.

On the joint prayer for the parties, the matter was referred to the Mediation Centre of the Bihar State Legal Services Authority vide order dated 15.03.2016. The report of the Mediator at Flag-A dated 29.06.2016 reflects that the dispute could not be resolved through process of mediation. It is lastly submitted by the learned counsel for the petitioner that petitioner is still ready to keep the informant as wife with full dignity and honour. Statement to that effect has been made in para-10 of the petition which reads as follows:-

“That as per the prosecution case itself appears that there is nothing save and except the suspicion, where the petitioner is always ready to keep his wife/informant with full dignity and honour of his society.”

It is submitted by the learned counsel for the informant that informant is ready to accept the offer of the petitioner provided the second wife of the petitioner may not be kept in the same house. In view of the above inconsistent stand of the parties, the reconciliation does not appear to be feasible at present.

In the alternative, it is submitted that the petitioner is ready to make payment of Rs. 1800/- per month from August, 2016 to the informant by depositing the same in her account by second week of every month.

Learned counsel for the Informant submits that informant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number within a period of three weeks 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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Purnea in connection with Purnea Mahila Police Station Case No. 47 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceedings.

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