

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39688 of 2016

Arising Out of PS.Case No. -2430 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Sarfaraj @ Chotan @ Sarfaraj @ Md. Sarfaraj Sheikh son of Late
Moinuddin, resident of Village- Milki Ghazipur, P.S. Tarapur, Distt.
Munger Petitioner

Versus

1. The State of Bihar.
2. Rahana Khatoon D/o Md. Jabbar W/o Md. Sarfaraj Sheikh @ Chotan,
R/o Village- Dilgaury, P.S. Sultanganj, Distt. Bhagalpur
..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Md. Aslam Ansari, Adv.
For the State : Mr. Ram Priya Saran Singh, APP 52
For the complainant : Mr. Anamul Haque, Adv.

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

3 19-09-2016 The petitioner, being the husband of the complainant
apprehending arrest in a case registered under Sections 498A, 323,
504, 506 and 307 of the Indian Penal Code and 3 and 4 of the
Dowry Prohibition Act.

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

The learned counsel for the petitioner submits that
the petitioner admits his marriage with the complainant and birth
of a child and is ready to keep the complainant as wife with full
dignity and honour. Statement to the aforesaid effect has been
made in paragraph no. 10 of the petition, which reads as follows :

“That the petitioner is ready to keep the complainant
with full dignity and honour.”

The petitioner has filed a Matrimonial Suit No. 1146
of 2013 for the restitution of conjugal rights and, thereafter, this
petition has been filed. Similar stand was taken before the lower

Court, but, the complainant refused to accept the offer.

The learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner, but, is ready for resolving the issue in terms of payment of one time settlement amount.

Since, it very fairly submitted by the learned counsel for the informant a process under Section 82 of the Criminal Procedure Code has been issued, this Court is not inclined to grant anticipatory bail to the petitioner, but, keeping in view the stand of the petitioner it is a case for consideration of bail if the petitioner surrenders in connection with Complaint Case No. 2430 of 2013, pending in the Court of Subdivisional Judicial Magistrate, Bhagalpur, within six weeks from today.

With this observation this petition is disposed off.

(Dinesh Kumar Singh, J)

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