

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2330 of 2016

Arising Out of PS.Case No. -2960 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. MD. HUMAYUN @ MD. HUMAYAN@HUMAYUN Son of Abdul
Khalique resident of village-Sikarpur, Police Station , Baishi, in the district
of Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi lalmon Khtoon W/o Md. Humayun ,D/o Afjal Hussain Resident of
Sikarpur Harda, Police Station Baisi, in the District of Purnea , at Present of
Village- sikoram ,P.s kadawa, in the district of Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Smt. Gulnar Begum(App)

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

5 27-06-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 324, 379, 307, 498A, 342 of the Indian Penal Code.

The basic accusation is of torture and making assault to the informant.

It is submitted by learned counsel for the petitioner that petitioner admits the marriage with the complainant and he is ready to keep the complainant as wife with full dignity

and honour. Statement to that effect has been made in para- 2 of the supplementary affidavit which reads as follows:-

“That it is humbly submitted that petitioner is ready to keep the complainant (O.P.No. 2) as his wife with full love, affection and dignity. ”

Further statement has been made in para-4 of the supplementary affidavit that petitioner denied the factum of second marriage and having any illicit relation with Lalita Devi.

It is submitted by the learned counsel for the complainant that Surpanch of the Panchayat has given a certificate that the petitioner is residing with Lalita Devi, hence the petitioner is not ready to reconcile the issue. It is further submitted that final order has been passed in Maintenance Case No. 1182 of 2014 dated 18th May, 2016 by Principal Judge, Family Court, katihar, whereby the petitioner has been directed to make payment of Rs.3,000/- per month to opposite party no. 2 Bibi Lalmon Khatoon and Rs.1,000/- per month to his two sons namely Safique and Sadik from the date of order.

It is submitted by the learned counsel for the petitioner that nine children are born out of the wedlock and seven are residing with the petitioner. Though, the petitioner is ready to comply the order of the learned court below and undertakes to make payment of Rs. 5,000/- per month to the complainant from the date of order i.e.

18.05.2016.

It is submitted by the learned counsel for the complainant that if the petitioner undertakes to maintain her, then the informant is not opposing the prayer for bail of the petitioner.

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 Shri B.K. Chaudhary, J.M., Ist Class, Katihar in connection with Complaint Case No. 2960CA of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted on filing of proof with regard to payment of up-to-date maintenance amount including the arrears. The informant is at liberty to file application for cancellation of bail if the petitioner defaults in making payment of maintenance amount for consecutive two months till the order of maintenance is modified by concerned Court or by any superior Court.

(Dinesh Kumar Singh, J)

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