

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30186 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

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Md. Naushad Quraishi

.... Petitioner/s

Versus

1. State of Bihar
2. Roshan Khatoon

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 16-12-2016 Heard learned counsels for the petitioner, informant and the State.

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

The basic accusation is of torture for non fulfillment of dowry demands.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant but the petitioner has given Talaq to the informant on 1.4.2016. In the circumstances, it is not feasible for the petitioner to resume the conjugal life.

Learned counsel for the informant submits that the



informant disputes the factum of Talaq and is still ready to resume the conjugal life.

The matter was referred to Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 10.11.2016. The report of the Mediator at Flag M reflects that the issue could not be resolved through the process of mediation. However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.2500/- per month to the informant from January, 2017 by depositing the same in the bank account of the informant by second week of every month. Learned counsel for the informant submits that the informant is ready to accept the offer and undertakes to provide the bank account number of the informant before the learned court below within three weeks by submitting the same on affidavit.

Considering the present stand of the parties, 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 twelve 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 learned ACJM, Muzaffarpur in connection with Mahila P.S. Case No.49 of 2016 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 informant to file an application for cancellation of bail of the petitioner.

The present order will, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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