

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45234 of 2015

Arising Out of PS.Case No. -95 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Md. Firoz Ali, Son of Late Fazle HAq Ansari, Resident of Mohalla- Afzalpur Lane, Behind Ahmad Kala Apartment in front of Science College, P.S. Pirbahore, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Joya Raja Wife of Firoz Ali, D/o Ekbal Hussain, Resident of Mohalla- Raja Bari, P.O.- Atta Bazar, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 12-07-2016 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 498A, 504 of the Indian Penal Code, 3/4 of the Dowry Prohibition Act and 66A of the Information Technology Act.

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

On the joint prayer for the parties, the matter was referred to the Mediation Centre of Bihar State Legal Services Authority vide order dated 25.02.2016. The report of the

Mediator at Flag-M dated 28.03.2016 reflects that issue could not be resolved through process of mediation.

Petitioner and complainant are present.

A supplementary affidavit has been filed today that the petitioner has not performed second marriage. Though, contrary statement was made. Statement to that effect has been made in para-3 of the petition which reads as follows:-

“That it is also submitted on behalf of the petitioner that he has not got second marriage as yet.”

Though, petitioner is ready to keep the complaint as wife with due dignity and honour. Statement to that effect has been made in para-2 of the supplementary affidavit which reads as follows:-

“That it is submitted on behalf of the petitioner that the petitioner is ready to keep his wife with full dignity and honour.”

However, learned counsel for the complainant submits that complainant is not ready to accept the offer of the petitioner due to past conduct of the petitioner.

In the alternative, the petitioner is ready to make payment of Rs. 2,000/- per month from August, 2016 to the complainant by depositing the same in her account by second week of every month.

Learned counsel for the complainant submits that complainant is ready to accept the offer of the petitioner and undertakes to submit her Bank Account Number on affidavit

before the learned court below within a period of three weeks.

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, Patna City in connection with Complaint Case No. 95 of 2014, 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 complainant 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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