

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20413 of 2016

Arising Out of Complaint Case No. -284 Year- 2015 Thana -SITAMARHI COMPLAINT CASE
District- SITAMARHI

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1. Sahnaz Khatoon @ Sahnaaz Begum Wife of Md. Masleuddin
2. Md. Parwesh @Md. Perwez Son of Md. Masleuddin
..... Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Pravin Wife of Md. Perwez, Daughter of Md. Sheikh Juhi
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-08-2016 Heard learned counsels for the petitioners, complainant
and the State.

Petitioner no.2 being husband of the complainant and
petitioner no.1 being mother of petitioner no.2 are apprehending
arrest in a complaint case wherein process has been directed to be
issued after cognizance being taken for the offences punishable
under Sections 498A and 120B of the Indian Penal Code.

Basic accusation is of torture. Though, it was argued
before the learned Court below that petitioner no.2 has performed
second marriage and similar is the stand of the counsel for the
complainant before this Court also.

It is submitted by learned counsel for the petitioners that
petitioner no.2 admits his marriage with the complainant and birth
of two children from the wedlock and he is ready to keep the

complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph 9 of the petition, which reads as under :-

"That the petitioner is still ready to keep the complainant with full respect and dignity which she deserves...."

It is further submitted that in alternative petitioner no.2 is ready to make payment of Rs.2500/- per month for the welfare of the complainant and two children from September, 2016 by depositing the same in the bank account of the informant by second week of every succeeding month. Petitioner no.2 is further ready to give separate accommodation to the complainant. Though, statements to that effect have not been made in the petition.

The counsel for the complainant submits that the complainant is ready to accept the offer of petitioner no.2 and undertakes to submit bank account on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to

the satisfaction of the learned SDJM, Pupari at Sitamarhi in connection with Complaint Case No.C1-284 of 2015, 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 petitioner no.2 will give liberty to the informant to file an application for cancellation of bail of the petitioners.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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