

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16053 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -MAHILA P.S. District- MUZAFFARPUR

Ahmad Raja, son of Late Nizamudin Ansari

.... Petitioner/s

Versus

1. The State of Bihar
2. Reshma Perween @ Roshan Ara, wife of Ahmad Raja

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2016

Petitioner being husband of the informant

apprehending his arrest in a case registered for the offences under Section 498A of the Indian Penal Code and ³/₄ of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the informant and birth of a female child but the petitioner has divorced the informant as per muslim rituals and has filed Matrimonial Suit No. 20 of 2015 for the confirmation of Talak on 19.01.2015 and thereafter on 05.01.2016 the present complaint has been filed.

It is submitted by learned counsel for the informant that prior to lodging of the matrimonial suit the informant has filed Complaint Case No. 243 of 2015 but the

same is pending at the enquiry level.

In the alternative, petitioner is ready to make payment Rs. 1500/- to the informant from May, 2016, by depositing the same in the bank account of the informant by second week of every month, though statement to that effect has not been made in the petition.

It is submitted by learned counsel for the informant that informant is ready to accept the offer of the petitioner and undertakes to supply her bank account number within a period of three weeks by filing the same on affidavit before learned Court below.

Considering the filing of the matrimonial suit prior to the lodging of the present case and the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No. 3 of 2016.

The aforesaid payments will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment will give liberty to the informant to file appropriate

application for cancellation of bail of the petitioner.

The present order in no way will preclude
the parties to settle the dispute otherwise.

Shageer/-

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(Dinesh Kumar Singh, J)