

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15168 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

1. Md. Razanoor S/o Md. Yunush resident of village - Kanain, Police Station - Ararai (Madanpura), District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Sazia Ekra D/o Ainul Haque resident of village - Dehti South, Police Station - Palasi, District - Araria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

For O.P. No. 2 : Mr. Sanjay Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

14 24-07-2017 Heard learned counsel for the petitioner,
informant and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under sections 498A, 342 and 307/34 of the IPC and sections 3 and 4 of Dowry Prohibition Act.

The petitioner and the informant are present in person.

The prosecution case got initiated with the registration of Araria Mahila P.S. Case No. 6 of 2016 on the



basis of a written report submitted by the informant before the Officer-in-Charge of Araria Mahila Police Station with the accusation that the informant was married with the petitioner on 22.11.2015. Subsequently, the informant went to Delhi to reside with the petitioner, where he claimed to have been working as Chartered Accountant. But at Delhi, the petitioner made further dowry demand of a flat or Rupees Forty Lacs and a Maruti Swift car as dowry. When the family members of the informant shown inability to fulfill the further dowry demand then torture was inflicted. The informant lodged informatory petition at Jamia Nagar Delhi, Police Station on 21.1.2016. Thereafter, the father of the informant went to Delhi and brought her back to her parent's house. Subsequently, the accused persons reconciled the issue and took the informant to matrimonial house, but, there again, torture was inflicted. On 7.2.2016, the petitioner and his elder brother, on the order of the father of the informant Md. Yunus, tried to throttle the informant, as a result of which she got unconscious. On information being received by the family members of the informant, they came but they were also



abused and ultimately, the informant lodged the present case.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant, having no issue and is still ready to keep her with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That the petitioner is husband of the informant and always ready to keep her with full honour, dignity, love affections and all desires and for which prior to the present case the petitioner filed Matrimonial case No.11/2016 on 25.1.2016 for restitution of conjugal life.”

It is further submitted by learned counsel for the petitioner that the petitioner has also filed Matrimonial Suit No. 11 of 2016, on 25.1.2016 for restitution of conjugal rights and thereafter, the present FIR has been registered on 10.2.2016. The injury of the informant has been found superficial simple in nature. The mother of the informant filed Araria (Madanpur) P.S. Case No. 131 of 2016, levelling accusations under sections 341,406,420 and 498A/34 of the IPC, wherein the petitioner has been granted anticipatory bail



vide order dated 18.4.2016, passed in Cr. Misc. No. 16554 of 2016. It is also submitted that the learned Principal Judge, Family Court, Araria, vide order dated 8.5.2017 passed in Matrimonial Case No. 11 of 2016 directed the petitioner to make payment of the interim maintenance of Rupees One Thousand per month to the informant, though the said payment has not been made so far.

Learned counsel for the informant submits that the informant has been tortured to extent that she has become apprehensive due to the misconduct of the petitioner and is not ready to accept the offer of the petitioner of resuming conjugal life. However, the informant is ready to part ways on payment of one time settlement amount of Rupees Six Lacs. Learned counsel for the petitioner submits that the petitioner is not ready to part ways on payment of one time settlement amount. However, he is ready to make payment of monthly amount of Rs.5000/- inclusive of One Thousand interim maintenance amount granted by Principal Judge, Family Court, Araria from September, by depositing the same in the bank account of the informant by second week of every succeeding month.



Learned counsel for the informant submits that the informant is reluctantly ready to accept the offer.

In the circumstances, considering the present stand of the parties, in order to save the complainant, from vagrancy and destitution with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on bail in the event of arrest or surrender within a period of twelve weeks on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Araria in connection with Araria Mahila P.S. Case No. 6 of 2016, subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned Court below on filing of the proof of payment of interim maintenance amount granted by learned Principal Judge, Family Court, Araria vide order dated 8.5.2017 in Matrimonial Case No. 11 of 2016.

The learned Principal Judge, Family Court is expected to conclude the proceeding of Matrimonial Case No. 11 of 2016, within a period of four months. It is expected from the petitioner to regularly appear in the said proceeding.



The above mentioned payment will be subject to any order being passed in the matrimonial, maintenance or collateral proceeding.

Three consecutive defaults in making payment will give liberty to the complainant to file an application for cancellation of bail bonds of the petitioner.

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

(Dinesh Kumar Singh, J)

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