

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31771 of 2016

Arising Out of PS.Case No. -2916 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Salauddin Son of Late Md. Kalimuddin
2. Babi Khatoon @ Najrana Khatoon wife of Md. Salauddin Both resident
of Village- Falka P.S. Falka, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Marjina Khatoon wife of Md. Salauddin Resident of Village-
Shekhpura, P.S.- Bhawanipur, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Khurshid Anwar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

8 27-04-2017 Heard learned counsels for the petitioners,
complainant and the State.

The petitioner no. 1 being husband of the
complainant and petitioner no. 2 being second wife of
petitioner no. 1 are apprehending arrest in a case registered
for the offences punishable under Section 498A of the Indian
Penal Code.

The basic accusation is of torture and performance
of second marriage.

The petitioner no. 1 and the complainant are
present in court. It is submitted by learned counsel for the



petitioners that the complainant herself deserted petitioner no. 1 hence, petitioner no. 1 performed second marriage. It is further submitted that the thrust of accusation is against petitioner no. 1 and petitioner no. 2 is second wife of petitioner no. 1 and was not aware about the first marriage of petitioner no. 1. Statement has been made in paragraph 8 of the petition that the petitioner no. 1 is ready to keep the complainant as wife with full dignity and honour which reads as follows:

“That it is stated that the petitioner no. 1 is still ready to keep the complainant with full dignity and honour.”

It is submitted by learned counsel for the complainant that aforesaid offer is being given by the petitioner no. 1 only in order to get bail. From the second marriage there are six children and the complainant has been left to lead the life of destitute.

Considering the rival submissions of the parties, it does not appear that there is likelihood of the issue being reconciled.

In the alternative, learned counsel for the petitioners submits that the petitioner no. 1 is ready to make payment of Rs.5000/- per month from June, 2017 by



depositing the same in the bank account of the complainant by second week of every month. Learned counsel for the complainant reluctantly accepts the offer and undertakes to provide her bank account number to the petitioner no.1 within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the complainant and petitioner no.1, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, 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 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 SDJM, Purnea in connection with Complaint Case No. 2916 of 2013 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 no. 1 will give liberty to the complainant to



file an application for cancellation of bail of the petitioner
no. 1.

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

(Dinesh Kumar Singh, J)

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