

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38136 of 2016

Arising Out of PS.Case No. -406 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

=====

Md. Mustufa @ Laddu, son of Abdul Majid Marhum, resident of Mohalla-
Mithanpura Chowk, Police Station- Ramna, District- Muzaffarpur,
permanent address resident of Village- Katra, Police Station- Katra,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nushrat Praveen, daughter of Md. Mustafa, Dukhtar Saukat Ali, resident
of Mohalla- Sardarganj, Police Station- Dalsinghsarai, District-
Samastipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Smt. Meena Singh

=====

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

ORAL ORDER

06/ 27-02-2017

Heard learned counsels for the petitioner, State

and the complainant-opposite party no.2.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code.

The basic accusation is of torture. It is also
alleged that the petitioner has performed second marriage.

The petitioner and the complainant are present



in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child. The child is residing with the petitioner. The petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 8 of the petition, which reads as follows:-

“That the petitioner wants to keep her as a wife and also ready to maintain her.”

It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner of resuming conjugal life since the petitioner has performed second marriage and due to the past conduct of the petitioner.

In the alternative, the petitioner is ready to make payment of Rs.2,000/- per month from April, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

However, the complainant is ready for getting the marriage dissolved on payment of one time settlement amount but the issue could not be resolved due to the dispute



with regard to the quantum of one time settlement amount. It is further submitted that the complainant is, reluctantly, ready to accept the offer of the monthly payment and undertakes to submit the bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, 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 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Dalsinghsarai, District – Samastipur in connection with Complaint Case No. 406 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected 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.)

DKS/

U		T	
---	--	---	--

