

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38207 of 2016

Arising Out of PS.Case No. -2451 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Md. Sohrab S/o Late Md. Rustam resident of Village- Dih Basadiya, P.S.-
Dalsingsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Zeenat Parween W/o Md. Sohrav resident of Village- Dih Wasria, P.S.-
Dalsingsarai, District- Samastipur. at present residing at Misrauliya,
P.S.- Sakra, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

05/ 20-02-2017

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 process has been directed to be issued after cognizance

being taken for the offences punishable under Sections 498A and

of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-

fulfillment of the dowry demand.

Learned counsel for the petitioner submits

that the petitioner admits his marriage with the complainant and



birth of three children. The complainant deserted the petitioner after committing theft in his house for which the petitioner filed Complaint Case No. 134/2010 wherein cognizance has been taken under Section 379 of the Indian Penal Code, against all the accused persons and, thereafter, the petitioner claims to have given Talaq to the complainant. Hence, the petitioner is not ready to keep the complainant. However, now, petitioner is ready to give one time settlement amount of Rs.1,00,000/- or monthly payment of Rs.2,000/- per month to the complainant.

Learned counsel for the complainant submits that the marriage between the complainant and petitioner and birth of three children is admitted. Forcibly one child has been taken away by the petitioner, however, two children are with the complainant and the complainant and two children are on the verge of destitution and vagrancy. The complainant is still ready to resume the conjugal life in spite of the fact that the petitioner has performed second marriage, but the amount which has been offered by the petitioner will not rescue the complainant and her children from destitution and vagrancy.

The matter was adjourned several occasions since the petitioner is not appearing. Today also the



petitioner fails to appear. In the circumstances, it does not appear that the issue may reconcile at present.

In the circumstances, let the learned court below consider the prayer for bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 2451 of 2014 pending in the court of learned Sub-divisional Judicial Magistrate, Muzaffarpur.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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