

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43595 of 2016

Arising Out of PS.Case No. -674 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

Md. Saifullah

.... Petitioner/s

Versus

1. State of Bihar
2. Bibi Zahida Khatoon

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 27-04-2017 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

The petitioner and the complainant are present in court. It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner filed Complaint Case No. 1645C of 2013 against



the father and brother of the complainant making accusation under sections 323 and 541/34 IPC. The petitioner also claims to have given Talaq to the complainant, which she denies.

Learned counsel for the complainant submits that the petitioner has deserted the complainant. The marriage between the complainant and the petitioner is admitted and two children are residing with the complainant. The petitioner has performed second marriage and has children from the second marriage.

Considering the rival submissions of the parties, it appears that the issue is not likely to be resolved at present. In the alternative, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.3000/- per month from June, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month. Learned counsel for the complainant submits that the complainant is reluctantly ready to accept the offer and undertakes to provide the bank account number of the informant to the petitioner within three weeks by submitting the same on affidavit before the learned court below. In the circumstances, the complainant is not opposing the prayer of the petitioner for bail.



It is submitted that the petitioner is not appearing in Maintenance Case No. 146 of 2014.

Considering the present stand of the parties, in order to save the complainant and children 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 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, Bhagalpur in connection with Complaint Case No. 674 of 2014 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 will give liberty to the complainant to file an application for cancellation of bail of the petitioner. If the petitioner will not appear regularly in the maintenance proceeding then also the complainant may file an 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)

Anil/-

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

