

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40971 of 2016

Arising Out of Complaint Case No.-75 C Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Maqsood Ansari (Alam) son of Md. Nasimuddin @ Nasimuddin Ansari
Resident of Village-Dangara Aahar, Police Station and Post Office Arwal,
District Arwal at Present residing at Quasab Mohal, Howse No. 281,
Mugalsarai, Police Station Mugalsarai, District Chandoli, U.P.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Khatoon, Wife of Maqsood Ansari (Alam) Resident of Village-
Dangara Aahar, Post Office and Police Station Arwal, District Arwal at
Present residing at Village Nisarpura (Chainpura) Police Station Rani
TaLab, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, Advocate

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

8 07-04-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being the 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.

Basic accusation is of torture.

The petitioner and the complainant are present before
the Court.

It is submitted by learned counsel for the petitioner that



the petitioner admits his marriage with the complainant on 16.05.2015 having no issue. The petitioner claims to have pronounced 'Talak' to the complainant on 18.08.2015 on the request of the complainant herself, though, statement has been made in paragraph no.8 of the petition that the petitioner is ready to keep the complainant with dignity and honour, which reads as follows :-

"That it is submitted that if the complainant is ready to reside with the petitioner, the petitioner is still ready to keep the informant with him with full dignity and all comfort as per his capacity and the petitioner is ready to settle all the disputes between him and the complainant without having any bias or animosity."

Learned counsel for the petitioner further submits that if the complainant gets ready to resume the conjugal life then he will not insist on the factum of 'Talak'.

Learned counsel for the complainant submits that the marriage of the complainant was performed with the petitioner on 16.05.2015 and within three months of marriage the petitioner performed second marriage. Hence, the complainant is not ready to accept the offer of resuming the conjugal life.

It appears that the parties made effort to part ways on



payment of one time settlement amount, but the issue could not be resolved on the point of quantum of one time settlement amount.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs.3500/- per month to the complainant from May, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

The learned counsel for the complainant submits that the complainant is ready to accept the offer of monthly payment made by the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks. Hence, the complainant is not opposing the prayer for bail of the petitioner, at present.

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 arrest or surrender before the learned Court below within a period of 12 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 the learned Chief Judicial Magistrate, Patna in connection with Complaint Case No.75C/2016, 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 and will have no bearing on the factum of 'Talak'.

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

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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