

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45758 of 2016

Arising Out of PS.Case No. -31 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Sajid Saifi son of Hadish Mian resident of Village- Barharia Tola, P.S.-
Majhauria, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Robina Khatoon wife of Sajid Saifi and daughter of Jainul Saifi resident
of Village- Hiramani, P.S.- Chhauradano, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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

ORAL ORDER

8 14-07-2017 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 was
directed to be issued after cognizance being taken for the offences
under punishable under Section 498A,323 and 504/34 of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that
the petitioner admits his marriage with the O.P. No. 2 being
performed on 24.5.2010 though there is no issue out of the
wedlock. It is the complainant who deserted the petitioner, hence,



the petitioner performed second marriage though he is still ready to keep the complainant. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That the petitioner has no any grievance against his wife, the O.P. No. 2, and he undertakes even before the Hon’ble Court to keep her with full dignity and honour, respect and comfort, safety and security.”

It is submitted by learned counsel for the complainant that it is the petitioner who deserted the complainant. On joint prayer of the parties, this court vide order dated 23.2.2017 referred the matter to the Mediation & Conciliation Centre of Bihar State Legal Services Authority. The report of the Mediator at Flag – ‘B’ dated 30.3.2017 reflects that the mediation failed since the petitioner failed to appear before the mediator. Hence, the complainant does not rely on the bonifide of the offer of the petitioner of keeping the complainant with due dignity and honour.

However, learned counsel for the petitioner submits that in alternative the petitioner is ready to make payment of Rs.2000/- per month from Auguat, 2017 by depositing the same in the bank account of the complainant by second week of every month.

Learned counsel for the complainant submits that the complainant is reluctantly ready to accept the offer and



undertakes to submit her bank account number before the learned court below on affidavit within a period of three weeks by submitting the same on affidavit before the learned court below. In the circumstance, at present, the learned counsel for the complainant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, in order to save the complainant, at present, 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 JM Ist Class, Raxaul at Motihari, East Champaran in connection with Complaint Case No. C-31 of 2015 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, maintenance or collateral 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.



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

(Dinesh Kumar Singh, J)

Anil/-

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