

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8988 of 2016

Arising Out of PS.Case No. -543 Year- 2015 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Md. Ali Son of Late Md. Muslim, Resident of Village - Basant (Bhaluahi),
P.S. - Bishunpur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nasra Praween @ Ruby, Wife of Md. Ali, Daughter of Md. Moti,
Presently resident of village - Purkhopatti, P.S. - Bahadurpur, District -
Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

09/ 18-03-2017

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
Sections 498A of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.



The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the complainant has performed second marriage with someone and a statement to that effect has been made in paragraph 11 of the petitioner which reads as follows:-

“That it is humbly submitted that complainant (O.P. No. 2) had solemnized another marriage, during the lifetime of the petitioner and she is presently living with her newly husband.”

It is further submitted prior to lodging of the present case the petitioner has filed Informatory Petition No. 748 of 2015 before learned Chief Judicial Magistrate, Darbhanga accusing the affairs of the complainant.

It is submitted by learned counsel for the complainant that the petitioner has levelled frivolous allegations. The complainant is ready to resume the conjugal life.

The matter was adjourned for enabling the parties to resolve the issue.

It is submitted by learned counsel for the petitioner that the issue has been resolved and the petitioner is



ready to make payment of Rs.1,800/- per month from April, 2017 to the complainant by depositing the same in her account by second week of every succeeding month.

Counsel for the complainant submits that the complainant accepts the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks. In the circumstances, at present, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the present stand of the parties, 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, Darbhanga in connection with C.R. No. 543 of 2015, 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.)

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