

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39853 of 2016

Arising Out of PS.Case No. -6000 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Tarique Anwar @ Maulana Tarique (sarique) Anwar @ Ansari son of Late
Malick Abdus Shakoor Resident of Village- Bamnor, P.S.- Narhat, District-
Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mehvash Fatmi daughter of Md. Moij Alam, wife of Tarique Anwar
Resident of Village- Bhat Bigha, Police Station- Sirdala, District-
Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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

ORAL ORDER

07/ 21-03-2017 Heard learned counsels for the petitioner,
complainant-opposite party no. 2 and Mr. Dr. Ajeet Kumar for
the State.

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
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present
in the Court.



It is claimed by the complainant that the complainant got married with the petitioner on 17.03.2011 but subsequent to the marriage, the torture was inflicted for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue but the petitioner gave Talak as per the muslim rituals to the complainant on 26.02.2015 and filed informatory petition on 30.03.2015 and thereafter, the present complaint was filed on 09.04.2015.

Counsel for the complainant submits that the complainant denies the factum of Talak and is ready to resume the conjugal life.

However, it is submitted by learned counsel for the petitioner that as per the 'Sairiyat' law after the Talaque the petitioner cannot keep the complainant.

On the joint prayer of the parties vide order dated 09.02.2017 the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 17.03.2017 at Flag 'A' reflects that the complainant failed to appear, however, petitioner was present. Hence, the mediation failed.



Counsel for the complainant submits that under certain misconception the complainant could not appear during mediation.

Counsel for the petitioner submits that the petitioner is ready to make payment of Rs.3,000/- per month from May, 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 four weeks. In the circumstances, the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

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 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 Additional Chief Judicial Magistrate-III, Nawada in connection



with Complaint Case No. 6000 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The present order will not amounts to any opinion with regard to the factum of Talaque. The payment will also have no bearing on the question of merit of Talaque.

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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