

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46114 of 2016

Arising Out of PS.Case No. -208 Year- 2016 Thana -RAMPUR District- GAYA

=====

Md. Nasim Akhter Son of Late Md. Hassan Resident of Mohalla - Fia Hussain Road, Makhdumabad, Gareria Khand, P.S. - Jehanabad, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sabana Umar D/o Asardaraz @ Lallu Maulvi Resident of Mohalla - Gewal Bigha, P.S. - Rampur, District - Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate
For the State : Mr. Sri Ram Bilash Roy Raman, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-04-2017 Heard learned counsels for the petitioner, informant and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Petitioner and the informant are present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, but the petitioner filed Informatory Petition No. 127/2015 and thereafter



the present FIR was lodged on 07.08.2016. The petitioner claims to have pronounced three 'Talak' to the informant on 14.07.2016 and filed Matrimonial Suit No.93 of 2016 for confirmation of the same.

It is submitted by learned counsel for the informant that the informant is disputing the factum of 'Talak' and she is still ready to resume the conjugal life and facing hardship through her desertion by the petitioner.

It is further submitted by learned counsel for the petitioner that in view of the claim of pronouncement of three 'Talak' the petitioner is precluded to keep the informant as wife at present. However, in alternative, the petitioner is ready to make payment of Rs.3000/- per month to the informant from June, 2017, by depositing the same in the bank account of the informant by second week of every succeeding month.

It is further submitted by learned counsel for the informant that the informant is not ready to accept the offer of the petitioner, but she is only interested in resuming the conjugal life.

Considering the rival submissions of the parties and in view of the fact that the factum of 'Talak' is in dispute, 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, Gaya, in connection with Rampur P.S. Case No. 208/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid monthly amount of Rs.3000/- will be deposited by the petitioner before the learned Court below, which will be subject to the result of the case. However, as and when the informant files an application expressing her willingness to receive the aforesaid amount, the said amount will be released by the learned Court below to the informant and if she wishes to receive the aforesaid amount through her bank account regularly, then she will furnish her bank account number on affidavit, before the learned Court below, thereafter the petitioner will be depositing the monthly amount in the bank account of the informant.

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 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.

It is expected from the learned Court below to conclude the trial within a period of one year.

(Dinesh Kumar Singh, J)

Ranjan/-

U			
---	--	--	--

