

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47272 of 2016

Arising Out of PS.Case No. -324 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Ajad Mohammad @ Mohammad Ajad, son of Md. Ahtasham, resident of
Village- Fensaha, P.S. - Salkhua, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nilophar, daughter of Abdul Rabb @ Rabbani, wife of Md. Ajad,
resident of Village- Fensaha, P.S.- Salkhua, District- Saharsa at present
residing at Village- Lagma, P.O.- Tariyama, P.S.- Simri, Bakhtyarpur,
District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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

6 02-05-2017 Petitioner being the husband of the informant is

apprehending his arrest in a complaint case wherein process has

been directed to be issued after cognizance being taken for the

offences punishable under Sections 323 and 498A of the I.P.C.

Basic accusation is of torture for non-fulfillment of

dowry demand.

It is submitted by learned counsel for the petitioner that

petitioner admits his marriage with the complainant and is ready

to keep the complainant as wife with full dignity and honour. A

statement to that effect has been made in Para 12 of the petition

which reads as follows:-



“12. That, despite the guilt on the part of the complainant wife, the petitioner is ready to keep her with full dignity, love and affection but since O.P. No. 2 herself does not want to live and lead happy conjugal life with the petitioner, as such she is required to be imposed certain condition in the even of restoration of conjugal life.”

It has further been submitted that similar was the stand of the petitioner before the lower Court but the complainant refused to accept the offer of the petitioner which gets reflected from the impugned order. The petitioner denies the factum of Talaq.

Learned counsel for the complainant submits that claim of the complainant is that though the petitioner has given Talaq by pronouncing the word ‘Talaq’ three times but the den mehar amount has not been paid and in view of the Talaq being effective, the complainant is not ready to resume the conjugal life.

Counsel for the petitioner however, submits that the petitioner is ready to make payment of Rs. 1800/- per month to the complainant for welfare of the child by depositing the same in the Bank account of the complainant from June, 2017 by second week of every succeeding month. The complainant accepts the offer and undertakes to submit bank account no. before the learned Court below within a period of two weeks.

Considering the fact that the complainant is not ready to



resume the conjugal life and the stand of the petitioner that he is ready to pay monthly amount of Rs. 1800/- for the welfare of the child, let the petitioner, named above in the event of his arrest or surrender before the learned Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saharsa in connection with Complaint Case No. 324C of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C

(Dinesh Kumar Singh, J)

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