

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32057 of 2016

Arising Out of PS.Case No. -488 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Abdul Baqui @ Hafiz Abdul Baki Son of Hafzi Qamruddin,
2. Musna Khatoon @ Mohsina Khatoon Wife of Abdul Baki, Both are
resident of Village- Shekhpura, tola Jitwarur, P.S- Balin- Belon (Kadwa)
District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sayaque Khatoon daughter of Faique resident of village- Shekhpura tola
Jitwarur, P.S.- Balin-Belon (Kaswa) District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh, APP

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

ORAL ORDER

8 02-05-2017 Petitioner no. 1 being the husband and petitioner no. 2
being second wife of the husband of the complainant are
apprehending their arrest in a complaint case wherein process has
been directed to be issued after cognizance was taken for the
offences punishable under Section 498A/34 of the I.P.C and ¾ of
the Dowry Prohibition Act.

Basic accusation is of inflicting torture after birth of 11
children and performing second marriage.

It is submitted by learned counsel for the petitioners that
petitioner no. 1 admits his marriage with the complainant, as well
as the birth of 11 children. Now the issue has been resolved
between the parties. The petitioner no. 1 agrees to make payment



of Rs. 2000/- per month for maintenance of the complainant and undertakes to keep all the children with him. An application to that effect has been filed in Misc. Case No. 114 of 2016 which was filed for implementation of final order dated 30.09.2015 passed in Maintenance Case No. 114 of 2013 whereby petitioner no. 1 was directed to make payment of Rs. 800/- per month for each child who are 11 in numbers. On the basis of the said compromise the Addl. Principal Judge Family Court, Katihar vide order dated 17.04.2017 disposed of the Misc. Case No. 114 of 2016 after examining and cross examining the petitioner and the complainant which has been brought on record by way of supplementary affidavit.

The Learned counsel for the complainant does not dispute the fact that issue has been resolved between the parties and it is further submitted that the complainant is not opposing the prayer for bail of the petitioner.

Considering the aforesaid stand of the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released 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 Sub-Divisional Judicial Magistrate, Katihar



in connection with Complaint Case No. 488 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Prakash/-

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