

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12289 of 2017

Arising Out of PS.Case No. -92 Year- 2016 Thana -BARURAJ District- SARAN

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1. Shekh Noore Tajuddin Son of Md. Akhtar Imam, Resident of Mohalla-Dahiyawan, Mobarak Lane, P.S.-Chapra Town, District-Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon W/o Shekh Noore Tajudin, D/o Md. Masum Ali, Resident of Village-Basahi Mir Daha Patti, P.S.-Janta Bazar, Saran at Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-03-2017 Heard learned counsel for the petitioner, complainant and the State.

The present application has been filed for modification of the order dated 08.11.2016 passed in Criminal Miscellaneous No.6908/2016 to the extent that period of filing of matrimonial suit for dissolution of marriage be extended since the petitioner employed at abroad and a date be fixed for returning all the articles to the complainant.

The petitioner being the husband of the complainant was granted anticipatory bail vide order dated 08.11.2016, passed in Criminal Miscellaneous No.6908/2016 in connection with



Complaint Case No. 681/2014, pending before the learned SDJM, Saran at Chapra, wherein processes were directed to be issued after cognizance being taken under sections 498A of the Indian Penal Code and 3 of the Dowry Prohibition Act.

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

The marriage of the petitioner with the complainant having no issue is not in dispute.

The matter got reconciled during mediation when the petitioner undertook to make payment of Rs.4,85,000/- as permanent alimony and returned all the articles. The complainant agreed to withdraw Complaint Case No.681/2014. Both sides also agreed to file matrimonial suit for dissolution of marriage within a period of four weeks. Since the petitioner is employed abroad neither the matrimonial suit could be filed nor articles have been returned to the complainant. Hence, the present modification.

Considering the rival submissions of the parties, the order dated 08.11.2016, passed in Criminal Miscellaneous No.6908/2016 is modified to the extent that period of filing of matrimonial suit and return of articles is extended for further four weeks from the date of receipt/production of a copy of this order.

Learned counsel for the complainant submits that the



complainant will send somebody to the petitioner's house on 17th of April, 2017, when the petitioner or his family member will return all the articles to the complainant.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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