

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23859 of 2017

Arising Out of Complaint Case No.. -900 Year- 2014 Thana -SAHARSA COMPLAINT CASE
District- SAHARSA

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Safik Ahmad @ Shafique Ahmad, Son of Late Ashfak Amad, Resident of Mohalla- Maripur, Madarsa Road, Muzaffarpur, at present- K.H.- 08, Topsisya Second Lane, P.S.- Tiljala, Kolkata- 39.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shaba Pravin W/o Safik Ahmad @ Safique Ahmad D/o Md. Shahnabaj Alam, Resident of Mohalla- Dumrail, Ward No. 33, P.S. & District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Adv.

For the State : Smt. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-08-2017 Heard learned Counsel appearing on behalf of the petitioner and learned APP for the State.

The petitioner being the husband of the complainant has renewed his prayer for bail in Complaint Case No.900/2014, pending before the learned SDJM, Saharsa, wherein process has been directed to be issued after cognizance being taken for the offences punishable under section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Earlier the prayer for anticipatory bail of the petitioner was permitted to be withdrawn, vide order dated 06.09.2016, passed in Criminal Miscellaneous No. 36210 of 2010 since the petitioner declined to make payment of maintenance



amount as directed by the learned Principal Judge, Family Court, Saharsa, vide order dated 24.02.2016, in Miscellaneous Case No.99 of 2014.

It is submitted by learned Counsel appearing on behalf of the petitioner that now the petitioner is ready to make payment of the maintenance amount.

It is submitted by learned Counsel appearing on behalf of the complainant that the complainant is ready to accept the offer of the petitioner and she undertakes that she will not oppose the prayer for regular bail of the petitioner if the petitioner pays the maintenance amount including the arrears.

Since, the earlier anticipatory bail application of the petitioner was dismissed as withdrawn on the prayer of the petitioner as he was not ready to make payment of the maintenance amount, this Court is not inclined to entertain the second anticipatory bail application.

However, in view of the present stand of the petitioner when the complainant is ready to accept the maintenance amount and undertakes not to oppose the prayer for regular bail of the petitioner, let the learned Court below consider the prayer for bail of the petitioner, if he surrenders within a period of six weeks and files proof with regard to payment of



maintenance amount, as stipulated in the order dated 24.02.2016, passed by the learned Principal Judge, Family Court, Saharsa, in Miscellaneous Case No.99 of 2014.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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