

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18849 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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Shamshad Ali @ Shamshad Ali Ansari Son of Abdul Hameed Ansari
resident of village – Jamal Hata, P.S. Hussainganj, District – Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sadaf Afrin Wife of Shamsad Ali, Daughter of Late Mohammadeen Ansari, Resident of village – Jamal Hata, P.S. Hussainganj, District – Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

08/ 06-02-2017

Heard learned counsels for the petitioner, State and the informant-opposite party no.2.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 494, 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a child. Though the petitioner has performed second marriage but he is ready to keep the



informant as wife with full dignity and honour but she herself deserted the petitioner. Statement to that effect has been made in paragraph no. 14 of the petition, which reads as follows:-

“That the petitioner is ready to keep the informant with full dignity at his home but she herself deserted the petitioner.”

Learned counsel for the informant submits that since the petitioner has performed second marriage she is not inclined to resume the conjugal life. However, now both have decided to part ways.

It is submitted by learned counsel for the petitioner that the petitioner is ready to make payment of Rss.3,50,000/- as one time settlement amount to the informant within a period of five months in five equal installments by depositing the same in the bank account of the informant, though no statement on affidavit to that effect has been made before this Court.

Counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks. The informant is also ready to file compromise/withdrawal petition in the present case and on payment of the aforesaid amount she



is ready to get the marriage dissolved. In the circumstances, the informant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of his arrest or surrender before the learned court below within a period of twelve 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 learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 171 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned court below on filing affidavit by the petitioner that the petitioner will make payment of Rs.3,50,000/- within a period of five months.

The provisional bail of the petitioner will be confirmed by the learned court below on producing proof with regard to the payment of Rs.3,50,000/- to the informant within a period of five months. The aforementioned amount will be either paid to the informant by submitting the bank draft before the learned court below or



depositing the same in the bank account of the informant.

Either party will be at liberty to file appropriate application in case of breach of undertaking given before this Court.

(Dinesh Kumar Singh, J.)

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