

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25118 of 2017

Arising Out of PS.Case No. -2146 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Imran Main, Son of Ali Ahmad, Resident of Sheikh Dhurwa, Nawka Tola,
P.S. - Manuapul, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Ruksana Khatoon, Wife of Imran Mian, Daughter of Mahbub Alam,
Resident of Sheikh Dhurwa, Nawka Tola, P.S. Manuapul, District- West
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-08-2017 Heard learned counsels for the petitioners, complainant
and the State.

The petitioner, being the husband of the complainant, is
apprehending arrest in a complaint case, wherein processes have
been directed to be issued after cognizance being taken for the
offence punishable under Section 498A of the Indian Penal Code
and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case is that the complainant was
married with the petitioner on 01.05.2011, thereafter, further
dowry demand of Rs. One lac was made and due to
non-fulfillment of the same, the complainant was assaulted and



attempt was taken to immolate the complainant. Subsequently, she was driven out from the matrimonial house and threat was also given that the second marriage of the petitioner would be performed.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a male child. The petitioner is still ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in para 12 of the petition, which reads as follows:-

“That it is most humbly submitted that the petitioner is ready and desirous to keep his wife (the complainant) with him.”

Learned counsel for the complainant submits that the complainant is not ready to accept the offer of the petitioner, since recently, the complainant came to know that the petitioner has performed second marriage. However, the complainant will be satisfied if some monthly payment is being made for her survival.

It is submitted by learned counsel for the petitioner that the petitioner is ready to make payment of Rs. 2,000/- per month to the complainant from September, 2017, by depositing the same in the bank account of the complainant by second week of every succeeding month.



Learned counsel for the complainant, on instruction, submits that the complainant is reluctantly ready to accept the offer of the petitioner, who undertakes to provide her bank account number to the petitioner, by submitting the same on affidavit before the learned Court below, within a period of three weeks.

Considering the present stand of the parties, in order to save the complainant from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail, in the event of 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) each with two sureties of the like amount, each to the satisfaction of learned SDJM, Bettiah, West Champaran in connection with Complaint Case No. 2146C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The abovementioned payment will be subject to any order being passed in matrimonial, maintenance or collateral proceeding.

Three consecutive defaults, in making payment by the petitioner will give liberty to the complainant to file appropriate



application for cancellation of bail bond of petitioner.

The present order, in no way, will preclude the parties
to reconcile the issue otherwise.

(Dinesh Kumar Singh, J)

Amrendra/-

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