

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35743 of 2018

Arising Out of PS. Case No.-45 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Hasbul, Son of Md. Akbar Ali, Resident of Village - Kamaldaha Sonapur,
Ward No. 6, P.S. - Kursakanta, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rasida Khatoon, D/o Md. Mukhtar, Resident of Village - Islampur Dakshain,
Ward No. 17, P.S. - Jogbani, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha
For the Opposite Party/s	:	Mr. J.N. Thakur, APP
For the O.P. No. 2	:	Mr. Ramesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-10-2018 Heard learned counsels for the petitioner,
complainant and APP for the State.

The petitioner, being the husband of the complainant, is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A, 323 and 341 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The basic accusation is of torture and driving out the complainant from matrimonial house for non-fulfillment of the further dowry demand of Rs. 50,000/- cash and a motorcycle.

Notices were issued to O.P. No. 2 vide order dated 28.06.2018 on the submission made by learned counsel for the petitioner that the petitioner admits his marriage with the



complainant and is ready to keep the complainant as wife with full dignity and honour and the statement to that effect being made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is ready to keep the complainant with full dignity and honour.”

The complainant is present in Court.

It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner as she is apprehensive due to past conduct of the petitioner. However, the complainant wishes to get the issue resolved on payment of one time settlement amount.

Learned counsel for the petitioner further submits that in alternative the petitioner is ready to make payment of Rs.2000/- per month to the complainant from December, 2018 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the complainant, on instructions, submits that the complainant accepts the offer of the petitioner and is ready to submit her bank account details within a period of three weeks from today by filing the same on affidavit before the learned Court below.

Considering the present stand of the parties, in order to



save the complainant for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Complaint Case No. 45C of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or collateral proceedings.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner.

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

(Dinesh Kumar Singh, J)

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