

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36777 of 2018

Arising Out of PS. Case No.-1445 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Saddam S/o Md. Ilyas, resident of Village- Abadpur Mistri Tola, P.S.-
Abadpur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Hasnoor Khatoon, W/o Md. Saddam D/o Habibur Rahman, resident of
Village- Bishanpur, P.S.- Barsoi, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-10-2018

Heard learned counsels for the parties.

The petitioner and the complainant are present in court.

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 of the IPC.

The prosecution case is that the marriage of the complainant was performed with the petitioner on 29.01.2014, but subsequently for non-fulfillment of dowry demands, torture was inflicted and ultimately the complainant was driven out of her matrimonial house.

This Court vide order dated 28.06.2018 issued notice to



O.P. No. 2 on the submission of learned counsel for the petitioner that the petitioner admits his marriage with the complainant and it is the complainant who deserted the matrimonial house. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife complainant with love honour and dignity.”

It is submitted by learned counsel for the petitioner that the petitioner is still ready to keep the complainant as wife with full dignity and honour. The petitioner has also filed Matrimonial Suit No. 581 of 2017 for restitution of conjugal rights which is still pending.

Learned counsel for the complainant submits that since the petitioner has performed second marriage which is not being denied by the petitioner, the complainant is reluctant to resume the conjugal life. However, at present she will be satisfied if some amount is paid for the welfare of the complainant and her minor child. Learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.3000/- per month to the complainant from November, 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 and is ready to submit her bank account number 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 and her minor child 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 JM 1st Class, Katihar in connection with C.A. Case No. 1445 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 given 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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