

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58047 of 2018

Arising Out of PS. Case No.-1215 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Sulman Khan @ Suleman Khan, S/o Mansoor Khan, R/o Vill.- Ansari Tola,
Dhumnagar, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nazreen Khatoon, W/o Suleman Khan, R/o Vill.- Ansari Tola, Dhumnagar,
P.S.- Nautan, District- West Champaran, Presently residing as D/o Md. Ekbal,
Vill.- Jhumka, P.S.- Sikta, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No.-7
For the Opposite Party/s	:	Mr. Ram Naresh Ray
For O.P. No. 2	:	Mr. Akhileshwar Kr. Shrivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-11-2018 Heard learned counsels for the parties.

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 and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complainant petition is that the marriage between the complainant and petition was performed in 2011, but subsequently, further dowry demand of Rupees One lakh was made for construction of the house and due to non-fulfillment of the same, torture was inflicted upon the complainant and on 20.06.2014, after snatching all her



belongings she was driven out from the matrimonial house leading to filing of the complaint case.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. Even as per the complaint petition she left the matrimonial house on 20.06.2014 when the complaint was filed on 04.06.2015. It is further submitted that since the complainant herself deserted the petitioner, he performed the second marriage and there has never been any demand of dowry by the petitioner and she has not been cohabiting with the petitioner. It is further submitted that the petitioner is still ready to resume the conjugal life and take the complainant to the matrimonial house from the Court itself and keep her as wife with full dignity and honour.

Keeping in view the submission made on behalf of the petitioner to the effect that he is ready to keep the complainant as wife with full dignity and honour, this Court vide order dated 20.09.2018 issued notice to the complainant O.P. No. 2.

The complainant and the petitioner are present in Court. It is submitted by learned counsel for the complainant-O.P. No. 2 that the complainant is not ready to accept the offer since the petitioner has performed second marriage and is



having children from the second wife. It is further submitted that the complainant O.P. No. 2 is apprehensive due to past conduct of the petitioner. However, the complainant is ready to take the maintenance amount of Rs.1200/- per month granted vide order dated 16.08.2017 passed by the learned Principal Judge Family Court, West Champaran, Bettiah, effective from the date of filing of the petition i.e. 16.05.2017.

Considering the fact that the issue is not likely to be resolved in terms of resumption of conjugal life and the complainant, at present, is claiming maintenance amount fixed by the learned Principal Judge, Family Court though the petitioner is ready for parting ways by making payment of one time settlement amount which is not acceptable, at present, to the complainant, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue might reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within six 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 SDJM, West Champaran at Bettiah in connection with Complaint Case No. 1215-C of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C. and



payment of maintenance amount as directed by the learned Principal Judge, Family Court, West Champaran vide order dated 16.08.2017 in Maintenance Case No. 106-M/15.

The bail bond of the petitioner will be accepted after verification of the fact that the petitioner has made payment of entire maintenance amount strictly in accordance with the order dated 16.08.2017 passed in Maintenance Case No. 106-M/15 by the learned Principal Judge, Family Court, West Champaran.

Three consecutive defaults in making payment will give liberty to the complainant to file application for cancellation of bail of the petitioner till the order granting maintenance is modified by the Court concerned or set aside by any superior Court.

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

(Dinesh Kumar Singh, J)

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