

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36258 of 2018

Arising Out of PS. Case No.-335 Year-2017 Thana- RAMPUR District- Gaya

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Md. Kasif Imam, Son of Md. Mahfooz Ansari R- 209/2FF/front side SIR
SAYED ROAD YOGA BAI EXTENSION ZAKIR NAGAR OKHLA, P.S.
OKHLA, NEW DELHI- 25.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Farhat Reyaz W/o Kasif Imam D/o Reyazuddin, Moh-Gewal Biggha Near
Munni Masjid, Devi Asthan, P.S.- Rampur, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha

For the Opposite Party/s : Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 29-10-2018 Heard learned counsels for the petitioner, informant
and APP for the State.

The petitioner being the husband of the informant, is
apprehending arrest in a case registered for the offences
punishable under Sections 341, 342, 323 and 498A/34 of the IPC
and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the written report of O.P.
No. 2 Farhat Reyaz, submitted to SHO, Rampur police station is
to the effect that marriage between the petitioner and O.P. No. 2
was solemnized on 28.02.2016, but subsequently further dowry
demand of car was made and due to non-fulfillment of the same,
torture was inflicted upon her. It is further alleged that the
informant was forced to establish physical relationship with the



friends of the petitioner and ultimately she was driven out of the matrimonial house.

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 informant and birth of a male child and is ready to keep the informant and male child with full dignity and honour and the statement to that effect being made in paragraph 8 of the petition, which reads as follows:-

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

In pursuance to the issuance of notice, the petitioner and the informant are present in Court.

It is submitted by learned counsel for the informant that the informant is not in a position to accept the offer of the petitioner to resume the conjugal life as she is apprehensive due to past conduct of the petitioner. However, the informant claims certain monthly payment for her welfare as well as that of her child.

Learned counsel for the petitioner further submits that at present the petitioner is ready to make payment of Rs.8000/- per month to the informant from December, 2018 by depositing



the same in her bank account by second week of every succeeding month.

The learned counsel for the informant, on instructions, submits that the informant 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 informant and the 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 CJM, Gaya in connection with Rampur P.S. Case No. 335 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 informant 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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