

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21759 of 2019

Arising Out of PS. Case No.-1494 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Syed Mohammad Ibne Hassan, Son of Late S.Alay Hassan, Resident of
Village - Hassan House, M.T. Lane, Gali No.9, Old Karimganj, P.S.- Civil
Line, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raffat Eqbal Wife of Syed Mohammad Ibne Hassan, D/o Late Syed Abdul
Ghafoor Resident of Village - Dr. Mahmood Shah Lane, Dariyapur Gola,
P.s.- Pirbahore/Kadamkuan, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Prasad
For the Opposite Party/s : Mr.Asha Devi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

- 3 15-05-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his 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 Indian Penal
Code and Section 4 of Dowry Prohibition Act.

The prosecution case as per the complain petition is
that the marriage between the petitioner and the complainant
was performed 20.02.2012 but subsequent to the marriage there
was further demand of dowry of Rs.Five lakhs and a Car from



the complainant and for non-fulfillment of the same, torture was inflicted upon the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant but he has pronounced talak, as a result, now he is not ready to keep the complainant as wife. However, learned counsel for the petitioner submits that the petitioner is ready to make certain payment to the complainant.

Learned counsel for the complainant submits that the complainant denies the factum of talak and is ready to resume the conjugal life.

Though, on the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the Patna High Court Legal Services Committee vide order dated 08.04.2019. The report of the Mediator dated 02.05.2019 at Flag 'A' reflects that the issue could not be resolved through the process of the mediation.

In the circumstances, considering the nature of accusation and the factum of talak is in dispute, this Court allows the release of the petitioner on anticipatory bail if the petitioner makes payment of Rs.10,000/- per month to the complainant from June, 2019 by depositing the same in the bank



account of the complainant by second week of every succeeding month.

Learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.10,000/- per month to the complainant.

Learned counsel for the complainant submits that the complainant is reluctantly ready to accept the offer of the petitioner and undertakes to submit her bank account details on affidavit before the learned Court below within a period of three weeks.

Considering the present stand of the parties which, at present, will 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna in connection with Complaint Case No. 1494(C) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any



order being 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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