

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21413 of 2019

Arising Out of PS. Case No.-1640 Year-2016 Thana- COMPLAINT CASE District- Araria

MD. PARVEJ ANSARI @ MD. MUNNA @ MUNNA ANSARI Son of
Asfaque Ansari, Resident of Village-Satalgunjar Mari, Bahadurganj P.S-
Bahadurganj, District-Kishanganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Ishrat Jahan Wife of Md. Parvej Ansari @ Munna, Daughter of Md.
Qyamuddin, Resident of Village-Rajokhar, P.S.-Araria, District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-08-2019 This application, for grant of anticipatory bail, arises

out of Complaint Case No. 1640 C of 2016, disclosing offences

under Section 498A of the Indian Penal Code.

Petitioner happens to be husband of the complainant
and allegation against him is of subjecting the complainant to
torture and cruelty for non fulfillment of demand of dowry.

Earlier the matter was referred to Patna High Court,
Mediation and Conciliation Center and the report of learned
Mediator has been received, which is on record, from which, it
appears that the mediation between the parties, failed.

Submission of learned counsel for the petitioner is
that he is ready to keep the complainant -wife with full honour



and dignity if she is willing to live with the petitioner and if she is not willing to live with the petitioner, he is also ready to pay Rs. Two Lakh to the complainant as one time settlement.

Heard learned A.P.P. as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that since the petitioner has performed second marriage, it is not possible for the complainant to live with him and considering the status of the petitioner, she has demanded Rs. Six Lakhs from the petitioner in the mediation. Further submission is that the Maintenance Case No. 247/2016 filed by the complainant has been allowed, in. which, the petitioner has been directed to pay Rs. 4,000/- per month to the complainant towards her maintenance but he is not paying the said maintenance, though recently petitioner has deposited Rs. 25,000/-.

Having heard the parties, considering the facts and circumstances of the case, this application is disposed of with direction to the petitioner to surrender in the court below on 16.09.2019 and the court below on undertaking the he will regularly pay the maintenance of Rs. 4,000/- per month to complainant till the order of maintenance is set aside or modified by any higher court, on which, the court below shall



release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria, in connection with Complaint Case No. 1640 C of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to pay the aforesaid maintenance amount of Rs. 4,000/- to the complainant consecutively for three months, the complainant will be at liberty to move for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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