

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23850 of 2019

Arising Out of PS. Case No.-417 Year-2016 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

MD. IKRAM Son of Md. Yunus Resident of Village - Simraman, P.s.- Piar,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shabana Khatoon W/o Md. Ikram , D/o Md. Naim Resident of Village - At
Present Harpur Bochaha, P.s.- Vidyapati Nagar, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-08-2019 This application, for grant of anticipatory bail, arises
out of Complaint Case No. 417 of 2016, disclosing offences
under Sections 498A and 494 of the Indian Penal Code.

Petitioner happens to be husband of the complainant
and allegation against the petitioner is of subjecting the
complainant to cruelty and torture with respect to non fulfilment
of demand of dowry and also ousted from the house. It appears
that a panchayati was also held and it has come that petitioner
has again married with another lady as such cognizance was
taken under Section 498A and 494 of the Indian Penal Code.

It further appears that on appearance of opposite party
no. 2, the matter was referred to Patna High Court Mediation



and Conciliation Center, Patna and the report of learned Mediator is available on record, from which, it appears that the Mediation between the parties failed.

Submission of learned counsel for the petitioner is that he is still ready to keep the complainant – wife with full honour and dignity.

Whereas, the stand of complainant is that the petitioner has remarried with another lady and she does not want to live with the petitioner.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, this application is disposed of with direction to the petitioner to surrender before the court below by 05.09.2019 and on condition that he is ready to pay Rs. 3,000/- per month to complainant towards her maintenance for a period of one year and in that period, the complainant if so desire may move the concerned family court for grant of maintenance from the petitioner and he has to abide by the order either interim or final passed by the learned Family Court, unless the same is revised or set aside by any higher court, the court below shall release him on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dalsinhsarai, in connection with Complaint Case No. 417 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 amount of Rs. 3,000/- to the complainant consecutively for three months, the complainant will be at liberty to move the court below for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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