

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28525 of 2019

Arising Out of PS. Case No.-1134 Year-2017 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. MASIBUL RAHMAN Son of Late Ahsanul Haque Resident of Village -
Majrahi, P.O. Siktia, P.S.- Azamnagar, Dist.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Shabnam Khatoon D/o Shahibul Haque, W/o Md. Masibul Rahman At
Present Resident of Village - Motbari (Rashidpur), P.O.- Dangol, P.S.-
Barsoi, Dist.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda
For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-08-2019 Petitioner seeks bail in anticipation of his arrest in

connection with Complaint Case No. 1134 of 2017 instituted for the

offences punishable under Sections 323/34, 498A of the Indian Penal

Code and Sections 3/4 of Dowry Prohibition Act.

Prosecution case is of subjecting the complainant to

torture with respect to demand of Rs.1.25 lac for dowry and she was

ousted from the matrimonial house.

On appearance of opposite party No.2 the matter was

referred to the Patna High Court Mediation and Conciliation Centre

and the report of Mediator at Flag 'B' disclosed that mediation failed.

Submission of learned counsel for the petitioner is that he

is ready to keep opposite party No.2 with him but she does not want

to reside with him in view of the fact that he has solemnized second



marriage and petitioner is still ready to maintain her by giving maintenance per month. On the other hand, learned counsel for opposite party No.2 has submitted that petitioner has married another lady and opposite party No.2 has to maintain herself along with her two children.

Heard learned APP also.

In such view of the matter, this application is disposed of with direction to petitioner to surrender by 9.9.2019 before the court below on condition that he has to pay Rs.3000/- per month to opposite party No.2 for a period of one year and during that period it is expected that opposite party No.2 to approach the Family Court at Katihar for grant of maintenance and petitioner shall co-operate in disposal of the same and shall abide by any order either interim or final passed by the Family Court unless the same is revised or set aside by any higher court and with the aforesaid condition petitioner shall be released on bail by the court below itself. It is made clear that if petitioner fails to pay Rs.3000/- to opposite party No.2 for continuing three months, the opposite party No.2 is at liberty to move before the court below for cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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