

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76311 of 2018**

Arising Out of PS. Case No.-2090 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Md. Aftab Alam @ Aftab Mian S/o Mojahir Mian, Resident of Village-
Piparpati, P.S.- Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mobina Khatoon, W/o Md. Aftab Alam @ Aftab Mian, D/o Imteyaj Mian,
Resident of Village- Tikuliya, P.S.- Chanpatia, Dist- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Sri Asharaf Ansari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 15-04-2019 Heard learned counsels for the petitioner,

complainant and APP for the State.

The petitioner being the husband of the complainant, is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A/34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the complainant Mobina Khatoon was married with the petitioner on 3.12.2014 but thereafter further dowry demand of a motorcycle, fridge and



touchscreen mobile phone was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. It is further alleged that ultimately, after snatching all her belongings, the complainant was driven out of her matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour and the statement to that effect being made in paragraph 7 of the petition, which reads as follows:-

“That the petitioner is husband of the informant and he is ready to keep her, but, the informant is very reluctant to resume her matrimonial obligations for reasons best known to her.”

The complainant is present in Court.

It is submitted by learned counsel for the complainant that the complainant is not ready to accept the offer of the petitioner since the petitioner has performed second marriage.

Learned counsel for the petitioner further submits that in alternative the petitioner will make payment of



Rs.2000/- per month to the complainant from June, 2019 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the complainant, on instructions, submits that the complainant accepts the offer and is ready to submit her bank account details 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 complainant 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 SDJM, Bettiah in connection with Complaint Case No. 2090C of 2016 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 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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