

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42824 of 2019

Arising Out of PS. Case No.-1953 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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ALLAUDDIN KURESHI Son of Abdul Rahman Kureshi @ Ghur Kureshi
Resident of Village - Mastan Tola, Bagaha-1, Ward No.24, P.S.- Bagaha,
Dist.- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Mana Khatoon W/o Allauddin Kureshi , D/o Late Rasul Kureshi, Resident of Village - Mastan Tola, Bagaha-1, Ward No24, P.S.- Bagaha, Dist.- West Champaran. At present Address- Muhalla - Teen Lalten Chawk- Bettiah, P.S.- Bettiah Town, Dist.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-09-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 1953 of 2017, disclosing offences under Sections 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 with respect to non fulfilment of demand of dowry.

Submission of learned counsel for the petitioner is that entire allegation is false and concocted and he is still ready to keep her with full honour and dignity.

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that as the petitioner has remarried with another lady, it is not



possible for her to live with the petitioner.

In such view of the matter, this application is disposed of with direction to the petitioner to surrender within two weeks from the date of receipt of order and file an affidavit that he is ready to pay Rs. 4,000/- per month to opposite party no. 2 – complainant for a period of one year, on which, the court below shall release the petitioner 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 Judicial Magistrate -1st Class, Bettiah, West Champaran, in connection with Complaint Case No. 1953 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Opposite party no. 2 – complainant is at liberty to move before the Family Court for grant of maintenance from the petitioner for herself and for her children and on personal service of notice, the petitioner will appear in the maintenance case and he will cooperate in disposal of the same and will also abide by any order either interim or final passed in the maintenance case until the same is modified or set aside by any higher court.

(Vinod Kumar Sinha, J)

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