

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48076 of 2019

Arising Out of PS. Case No.-1914 Year-2017 Thana- COMPLAINT CASE District- Araria

MD. USMAN ALI @ USMAN GANI @ MD. USMAN Son of Md. Ishfaque
Resident of Village- Dhama, Police Station- Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bibi Saniya Parveen D/o Md. Shayak, W/o Usman Ali Resident of Village- Pokhariya, Police Station- Araria, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner, complainant and learned APP for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 379 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that the marriage between the complainant and the petitioner was performed on 19.03.2016, but subsequent to the marriage, further dowry demand of Rupees Three Lac and a buffalo was made and due to non-fulfillment of the same, torture was



inflicted upon the informant.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 9 of the petition, which reads as under :-

“That the petitioner is ready to keep
the complainant with full dignity and
honour.”

Learned counsel for the complainant submits that the petitioner has performed second marriage and during maintenance proceeding being Maintenance Case No. 236 of 2017, despite valid service of notice, the petitioner choose not to appear, hence, the petitioner was directed to make payment of Rs.5,000/- per month to the complainant from the date of the order passed in the Maintenance Case, i.e. 04.06.2018 by the Principal Judge, Family Court, Araria, but the same is not being complied. However, for the present, the complainant is satisfied with the order passed in the maintenance proceeding.

Considering the present stand of the complainant, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below



within a period of 12 weeks from today, 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, Araria, in connection with Complaint Case No. 1914C of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, subject to payment of up-to-date maintenance amount as directed vide order dated 04.06.2018, passed in Maintenance Case No.236 of 2017 by the learned Principal Judge, Family Court, Araria.

(Dinesh Kumar Singh, J)

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