

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70652 of 2018

Arising Out of PS. Case No.-1158 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Noushad Alam @ Md. Noushad, S/o-Md. Jamil, Resident of Village-Tiraskund, P.S. Forbesganj, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Shahnaz Parveen, W/o-Md. Noushad Alam @Md. Noushad, D/o-Md. Idris, Resident of Village-Pathraha, P.S. Ghurna (Narpatganj), District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushad Uzzoha
For the Opposite Party/s : Mr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioner and 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 498 A of the IPC.

The prosecution case is that the complainant Bibi Shahnaz Parveen, was married with the petitioner on 14.03.2016. Subsequently, further demand of dowry of Rs. 70,000/-, a motorcycle and T.V. was made and due to non-fulfillment of the same torture has been inflicted upon the complainant. Ultimately, the complainant was driven out from her matrimonial house.



It is submitted by the 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.10 of the petitioner which reads as follows:

“10. That, the petitioner is always ready to keep his wife with full dignity and respect.”

Learned counsel for the complainant submits that the petitioners has performed second marriage and now he is residing with his second wife. Hence, in view of the past conduct of the petitioner, the complainant is not ready to accept the offer of the petitioner.

In the alternative, learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs. 1800/- per month to the complainant from March, 2019, by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the petitioner. She further undertakes to supply her bank account to the petitioner by filling the same on affidavit before the learned Court below within a period of three weeks.



Considering the present stand of the parties, which will, for the present, save the complainant from vagrancy and destitution, with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **S.D.J.M., Araria**, in connection with **Complaint Case No. 1158c of 2017**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The above payment will be subject to any order being passed in matrimonial, maintenance and any other collateral proceedings.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of the bail bonds of the petitioner.

The present order in no way will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

