

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65103 of 2019**

Arising Out of PS. Case No.-148 Year-2019 Thana- OBRA District- Aurangabad

HASAN ALI Son of Shamim Ansari Resident of Village - Kara, P.S.- Obra,  
Distt - Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ruksana Khatoon Wife of Hasan Ali, D/o Md. Moyen Ansari Resident of Kara, P.S.- Obra, Distt - Aurangabad. At present R/v - Bantara, P.S.- Devkund, Distt - Aurangabad.

... .. Opposite Party/s

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr.Santosh Chandra Bhaskar |
| For the Opposite Party/s | : | Mr.Bal Mukund Prasad Sinha |

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

3      05-03-2020                      Heard learned counsels for the petitioner, informant and the State.

The petitioner, being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 498A and 379/34 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the written report of Ruksana Khatoon submitted to the Station House Officer, Obra Police Station, is to the effect that the marriage of the informant was performed with the petitioner on 05.09.2018, but subsequent to the marriage, further demand of dowry of Rs. 3 lacs and a motorcycle was made and due to non-fulfillment of the same,



the informant was tortured and assaulted by all the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner admits his marriage with informant and he is ready to keep the informant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 6 of the petition, which reads as follows:-

“That it is further submitted that the petitioner is still ready to keep opposite party no.2 with all dignity and honour of marriage wife.”

It is further submitted that if the informant does accept the offer of the petitioner to reside with him, in the alternative, the petitioner is also ready to pay Rs. 1,500/- per month to the informant by April, 2020 by depositing the same in the bank account of the informant by second weeks of every succeeding month.

Learned counsel for the informant submits that due to past conduct of the petitioner, the informant is not ready to reside with the petitioner, however, reluctantly she is ready to accept the offer of the petitioner to make monthly payment. The informant further undertakes to provide her bank account details to the petitioner by submitting the same on affidavit before the learned Court below within a period of three weeks.



Considering the present stand of the parties, in order to save the informant from destitution and vagrancy, with a lurking hope that in future, the issue may reconcile between the parties, let the above named petitioner be released on provisional anticipatory bail for six months 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., Daudnagar, Aurangabad in connection with Obra P.S. Case No. 148 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

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

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

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

**(Dinesh Kumar Singh, J)**

Amrendra/-

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