

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84209 of 2019

Arising Out of PS. Case No.-2146 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Md. Irshad @ Md. Israil, Son of Md. Kalim Resident of Village - Amdar, P.S.-
Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juhi, Daughter of Md. Sudhir @ Md. Aslam Wife of Md. Irshad @ Md. Israil, Resident of Village - Rajpur, P.S.- Sabour, District - Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2020 Heard learned counsels for the petitioner,

complainant 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 Sections 498A and 323 of the IPC.

The prosecution case, as per the complaint petition, is to the effect that the complainant was married with the petitioner on 11.02.2018, but subsequent to the marriage, further dowry demand of an Apache motorcycle was made and due to non-fulfillment of the same, the complainant was tortured by all the accused persons including the petitioner. It is further alleged that



all the accused persons made an attempt to kill the complainant by causing burn injuries.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage. However, since the issue of factum of marriage cannot be decided in the present proceeding, learned counsel for the petitioner further submits that the petitioner is ready to make payment of Rs. 1,500/- per month to the complainant from April, 2020 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that marriage of the complainant was performed with the petitioner, but now she has been deserted by the petitioner, though, she is still ready to reside with the petitioner. It is further submitted that the complainant is reluctantly ready to accept the offer of the petitioner for the present with a right to claim adequate maintenance amount in appropriate proceeding. The complainant further undertakes to supply 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 complainant from destitution and vagrancy 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 J.M., 1st Class, Bhagalpur in connection with Complaint Case No. 2146 of 2018, 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 co-lateral proceeding.

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

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

(Dinesh Kumar Singh, J)

Amrendra/-

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