

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9233 of 2022

Arising Out of PS. Case No.-127 Year-2018 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Akhter Farookhi @ Akhter Sah Son Of Rasool Farookhi @ Rasool Resident
Of Village - Tendun Chowk, P.S.- Bikaramganj, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon W/o Akhter Farookhi Resident of Village - Tenduni Chowk, P.O. and P.s.- Bikarmganj, Distt.- Rohtas., at present Resident of Village - Barah pathar Babuganj, P.O. and P.s.- Dehri, Distt.- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-10-2022 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner is apprehending his arrest in a complaint case wherein cognizance has been taken under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusations are of torture, making assault and ousting the complainant from the matrimonial house.

It is submitted by learned counsel for the



petitioner that the marriage was performed fifteen years ago, hence, the provisions under Section 498(A) I.P.C shall not be attracted. It is further submitted that the complainant herself deserted the petitioner and performed second marriage. She has also given consent to the petitioner on affidavit to perform second marriage. The said affidavit is annexed as Annexure-2/1 of the petition.

Learned counsel appearing on behalf of the complainant has submitted that torture has been inflicted upon the complainant. The document produced by the petitioner is forged one and she has not given consent to the petitioner to perform second marriage. The complainant has also not perform second marriage. The petitioner has deserted the complainant.

In the alternative, the petitioner is ready to make payment of Rs. 4,000/- as interim maintenance to the complainant before filing of the bail bonds.

The petitioner also undertakes to make



payment of Rs. 4,000/- per month to the complainant by depositing the same in her bank account commencing from the month of October, 2022.

The learned counsel appearing on behalf of the complainant has accepted the offer of the petitioner and undertakes to provide bank account details of the complainant to the petitioner as early as possible.

Considering the aforestated facts, let the petitioner, above named in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Complaint Case No. 127 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt



of deposit of Rs. 4,000/- by the petitioner in the account of the complainant.

The aforesaid payments will be subject to any order passed in matrimonial or maintenance proceedings.

(Sunil Kumar Panwar, J)

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