

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36297 of 2015

Arising Out of PS.Case No. -430 Year- 2013 Thana -PHULWARI District- PATNA

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Abid Zaffar Usmani @ Bobby S/o Md. Usmani R/o Mohalla- Phulwari Sarif, P.S. Phulwari Sarif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Frahat Shamim W/o Abid Zaffar, D/o Late Shamim Ahmed, presently residing at Iqbal Usuf Complex, Flat No. 202, P.S.- Pirbahor, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti

For the Opposite Party/s : Mr. Dr. Rabindra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 28-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

A joint affidavit has been filed on behalf of the petitioner and the informant to the effect that the issue has been resolved on payment of permanent alimony of Rs.11,00,000/-

(Eleven lakhs) within a period of six months. Out of which Rs.2,00,000/- (Two lakhs) will be paid to the informant at the time of furnishing bail bonds. The petitioner also agrees to return the articles including jewellery as submitted in paragraph 5 of the joint affidavit and consequently the petitioner and the informant-opposite party no. 2 will take appropriate steps for final separation in terms of Mohammedan Law.

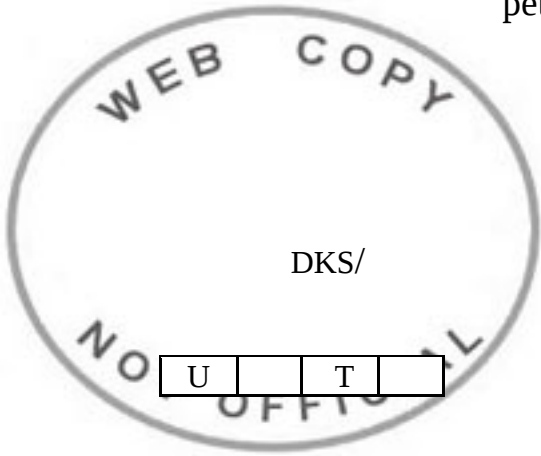
Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for seven months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Phulwarisharif P.S. Case No. 430 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be on furnishing proof with regard to payment of Rs.2,00,000/-.

The provisional bail of the petitioner will be confirmed by the learned court below, if the entire amount of permanent alimony of Rs.11,00,000/- and the articles as



incorporated in the joint affidavit will be returned by the
petitioner to the informant.



(Dinesh Kumar Singh, J.)