

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5197 of 2015

Arising Out of PS.Case No. -3860 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shadab Alam S/O Aftab Alam R/O Mohalla-Wheelerganj, P.S-Laheria
Sarai,Distt.-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Akram Rizwi, Son of Late Md. Ahmad, R/o 403-B, Ali Enclave,
Mohalla Samanpura, Raja Bazar, P.S. Shastri Nagar, District – Patna.
3. Zeba Akram, D/o Md. Akram Rizwi, /o 403-B, Ali Enclave, Mohalla
Samanpura, Raja Bazar, P.S. Shastri Nagar, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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

04/ 04-08-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the daughter
of the complainant is apprehending his arrest in a complaint case
wherein process has been directed to be issued after cognizance
being taken for the offences punishable under Section 498A, 379
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.

It is submitted by learned counsel for the



petitioner that the marriage between the petitioner and the complainant is admitted on 07.04.2012 and petitioner divorced the daughter of the complainant through letter dated 28.08.2012 and the said letter was received by the complainant on 31.08.2012. Subsequently, Emarate-sariya confirmed the said Talak on 29.08.2012 and thereafter the petitioner performed second marriage and has a male child from the second marriage.

Learned counsel for the complainant denies the factum of Talak and prays for settlement of the issue on payment of some amount. The complainant is not opposing the prayer for bail of the petitioner.

Counsel for the petitioner has no objection with regard to the prayer of the complainant.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or 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 the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna in connection with Complaint Case No. 3860(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both sides agree to file appropriate application for settlement of issue before the learned court below and on settlement of the issue between the parties the provisional bail will be confirmed by the learned court below.

(Dinesh Kumar Singh, J)

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