

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19031 of 2016

Arising Out of PS.Case No. -192 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Amir Sohail Son of Afsar Sohail @ Sohail Afsar resident of Mohalla -
Daira Chaukhandi, Kabirganj, P.S. Sasaram (Town), Distt. - Rohtas,
Bihar at Present residing at Beby Land School, Phulwarisharif, P.S.
Phulwarisharif, Distt. - Patna, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sana Alam Daughter of Kamran Akhtar Resident of Mahajan Toli, P.S.
Ara (Town), Distt. - Bhojpur at Ara, Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad
For the Opposite Party/s : Mr. D.P.Tiwary(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-09-2016 The petitioner being husband of the informant
is apprehending his arrest in a case registered for the offences
punishable under Sections 498A/34 of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant and birth of a male child but petitioner has given
talaq to the informant on 05.09.2015. It is further submitted
that informant has also filed a case under the provisions of
Protection of Women From Domestic Violence Act but no order
has been passed in the said case.



Today a joint compromise petition has been filed to the effect that petitioner and the informant have decided to part ways of payment of Rs. 4,00,000/- which includes Den Mehar and consideration of period of Iddat and out of Rs. 4,00,000/-, Rs. 2,00,000/- is for the informant Sana Alam and rest of Rs. 2,00,000/- is for her son Ariz Sohail @ Sanad. Both sides agreed that Rs. 4,00,000/- will be paid through bank draft on filing of withdrawal/compromise petition in the present case. Both sides also decided to file appropriate application for withdrawal/compromise of all the cases filed against each other.

Learned counsel for the informant does not controvert the contention of the counsel for the petitioner and submits that the present compromise petition has been filed with the signature of informant.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for three months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Mahila(Bhojpur Sadar) P.S. Case No. 192 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The informant is ready to file an application

stipulating the compromise before learned Court below within a period of two weeks from today with clear statement that she is no longer interested to prosecute the petitioner. The learned counsel for the petitioner submits that petitioner will submit a draft of Rs. 4,00,000/- before learned Court below within two weeks of filing of compromise petition by the informant. It is expected from the learned Court below to release the said draft to informant within two weeks of its submission.

It is expected from the learned Court below to dispose of Mahila(Bhojpur Sadar) P.S. Case No. 192 of 2016 expeditiously keeping in view of the present stand of the parties, in accordance with law.

The provisional bail of the petitioner will be confirmed by learned Court below on submission of draft of Rs. 4,00,000/- before learned Court below.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--