

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23898 of 2016

Arising Out of PS.Case No. -348 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Md. Asfaque Alam son of Md. Manzoor Alam, Resident of village-
Lahshanpur, P.S.- Dagarua, P.S. Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Yasmin Praween, Wife of Asfaque Alam, D/o Md. Idris, Present
resident of village- Sharifganj G.F. Rahman Colony, P.O. Dehriya, P.S.
Sahayak, District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. D.P. Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-09-2016 The petitioner being husband of the
informant is apprehending his arrest in a case registered for
the offences punishable under Sections 498A, 323, 494, 307,
504/34 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 and performing second marriage.

It is submitted by learned counsel for the
petitioner that petitioner admits his marriage with the
informant. Though the petitioner has performed second
marriage but he is ready to keep the informant as wife with
dignity and honour. A statement to that effect has been made

in para 7 of the petition which reads as follows:-

“That it is stated that the petitioner is always ready to keep the informant with full dignity and honour.”

The impugned order suggests that it was submitted on behalf of the informant that informant is the third wife of the petitioner as petitioner has performed two marriages from before.

It is submitted by learned counsel for the petitioner that petitioner has performed only one marriage apart from the marriage with the informant but petitioner has again performed marriage with the informant.

On the joint prayer of the parties, vide order dated 08.08.2016, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag-M dated 26.09.2016 reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the informant that petitioner has made no effort to get the issue reconciled. Hence, it does not appear that the issue is likely to be reconciled at present.

In the circumstance, let learned Court below consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with

Katihar(Sahayak) P.S. Case No. 348 of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Katihar.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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