

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18712 of 2016

Arising Out of PS.Case No. -390 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Md. Ashraf @ Md. Ashraf Alam @ Md. Ashraf Son of Late Md. Farooque,
resident of Village- Parsoul, Police Station Katra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nazda Khatoon daughter of Late Abdul Barik @ Soman resident of
Village- Sabaul, Police Station- Simari, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Arvind Kr.Pandey(App)

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

04/ 08-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken 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.

It is submitted by learned counsel for the
petitioner that the admits his marriage with the complainant but

the petitioner given Talak to the complainant 12.03.2014.

Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-



“That it is relevant to mention here that after several efforts when the opposite party no.2/complainant was not ready to live with the petitioner or continue the conjugal life then petitioner has divorced the complainant on 12.03.2014.”

The petitioner and the complainant are present in the Court.

A joint compromise petition has been filed to the effect that the issue has been resolved on the basis of payment of one time amount of Rs.2,50,000/- through bank draft by the petitioner to the complainant in three installments and on return of furniture, clothes and other articles. The first installment of Rs.1,00,000/- has to be paid on 30.08.2016, second installment of Rs.75,000/- on 04.10.2016 and last installment of Rs.75,000/- on 15.11.2016. It is also agreed between the parties that they will withdraw the cases filed against each other.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for six 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 Sub-divisional Judicial Magistrate, Darbhanga in connection with Complaint Case bearing C.R. Case No. 390 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional anticipatory bail will be confirmed by the learned court below on substantial compliance of the agreed terms of compromise arrived at between the parties.

(Dinesh Kumar Singh, J.)

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