

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36228 of 2015

Arising Out of PS.Case No. -70 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

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1. Awadhesh Prasad Son of Late Rajendra Prasad resident of village -
Misir Bataraha, P.S. Fulwariya, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Devi Wife of Awadhesh Prasad, Dokhtar Sri
2. 3. Shankar Prasad resident of Raxaul Town, P.S. Raxaul, District - East
Champaran at Motihari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Gupta

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 05-01-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498A 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.

On the joint prayer of the parties, the matter was referred to the Mediation Centre of the State Legal Services Authority. The report of the Mediator at Flag-A dated 26.11.2015 reflects that the issue has been resolved between the parties as they decided to part ways on payment of Rs. 1,00,000/-(rupees one lac) and return of the articles. In lieu of the articles both sides have agreed that petitioner will pay Rs. 20,000/- in addition to Rs. 1,00,000/-.

Learned counsel for the petitioner has

produced two drafts drawn on State Bank of India and Canara Bank worth Rs. 1,20,000/- which is being handed over to the counsel for the informant Ms. Pushpa Kumari. Counsel for the informant is not disputing the terms of the settlement. It is expected from the counsel for the informant to make endorsement of the receiving of the draft on records.

Considering the present stand of the parties, 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 Judicial Magistrate, 1st Class, Gopalganj in connection with Fulwariya P.S. Case No. 70 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on encashment of the draft.

It is expected from the counsel for the informant to file appropriate affidavit before learned Court below within a period of one month with regard to the encashment or otherwise of the draft.

(Dinesh Kumar Singh, J)

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