

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6103 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -KHAIRA District- SARAN

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1. Noor Alam S/o Khurshid Alam resident of village - Khairah, P.S.
Khaira, Disttict - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Parween Khatoon D/o Shamshad Alam resident of Hawar Chapra, P.S.
Amnour, District - Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 22-11-2016

The petitioner being husband of the daughter of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 147, 341, 323, 379, 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.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the daughter of the informant on 21.01.2013 and birth of two children. The informant being mother of the wife of the petitioner filed a complain before the Superintendent of Police, Saran on 04.06.2015 when the Superintendent of Police, Saran called for a report from the concerned police station and the concerned

police station submitted a report on 02.07.2015 wherein the accusation levelled in the complain was not found true. The petitioner claims to have given talaq to the daughter of the informant on 01.04.2015 and subsequently filed matrimonial suit on 15.04.2015 for the confirmation of the talaq but the same was ultimately withdrawn on 02.05.2015.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 20.09.2016. The report of the Mediator at Flag-G dated 10.11.2016 reflects that the issue has been resolved between the parties. The petitioner undertook to keep both the children namely Sajaha and Afsana Khatoon and will bear the expenses of their education and marriage. Both the daughter of the informant and the petitioner will part ways and get the proceeding pending concluded. The petitioner was supposed to take the custody of the children on 11.11.2016 when it is submitted by learned counsel for the petitioner that petitioner has already taken the custody of the children.

It is submitted by learned counsel for the informant that informant denies the factum of talaq with the daughter of the informant but admits the agreement arrived at between the daughter of the informant and the petitioner during mediation. Hence, at present, the informant is not opposing the prayer for bail of the petitioner.

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 anticipatory bail 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, Saran at Chapra in connection with Khaira P.S. Case No. 127 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the copy of the order along with the report of the Mediator dated 10.11.2016 including the memorandum of agreement be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

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