

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44062 of 2015

Arising Out of PS.Case No. -3698 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Shahnawaz @ Bablu Ansari, Son of Md. Sharief Ansari, resident of
village- Piperpanti, Madarsatola, P.S. Jalalgarh, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Asrana Khatoon wife of Md. Shahnawaz @ Bablu Ansari, resident
of Akbari Masjid Tola Piperanti, P.S. Jalalgarh, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 21-11-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 324, 406, 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusations are of torture for non-fulfilment of dowry demand and making assault.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of a male child but petitioner claims to have given talaq to the complainant.

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 16.05.2016. The report of the Mediator at Flag-A dated 02.08.2016 reflects that the issue could not be resolved through the process of mediation.

Today, a joint compromise petition has been filed stipulating therein that both sides decided to part ways. The complainant accepts the talaq. The petitioner is ready to make payment of Rs. 4,00,000/-(four lacs) in four monthly installments in lieu of the amount of Den Meher as well as future maintenance of complainant/opposite party no. 2 and son Md. Junaid Ansari. The complainant accepts the offer of the petitioner. If the child will so wishes to live with the petitioner then petitioner will keep him. The complainant/opposite party no. 2 agrees to file appropriate application for withdrawal of Complaint Case No. 3698 of 2014 and Maintenance Case No. 330 of 2014, pending in the Court of learned Sub-Divisional Judicial Magistrate, Purnea and learned Principal Judge, Family Court, Purnea. In the circumstance, the counsel for the complainant 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 Sub-Divisional Judicial Magistrate, Purnea in connection with Complaint Case No. 3698 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Either side will be at liberty to file appropriate application before this Court in case of breach of the terms of the agreement. Both sides also agree to file a copy of the compromise petition before learned Court below.

Shageer/-

(Dinesh Kumar Singh, J)

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