

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10682 of 2016

Arising Out of PS.Case No. -21 Year- 2010 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Md. Afroz @ Md. Afroz Alam Son of Md. Hakim, Resident of Village -
Ralahi, P.S. - Majhulia, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Noor Mahmed Mia, s/o Late Kahid Mia, R/o Village -
Chhotabariyarpur, P.S. - Chhatauni, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate
For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the daughter
of the complainant is apprehending his arrest in a complaint
case in which processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 323, 379/34 of the Indian Penal Code.

The basis accusation is of torture for non-
fulfillment of dowry demand.

It is submitted by the learned counsel for the
petitioner that petitioner admits his marriage with the
daughter of the complainant.

On the submission of the parties that the issue has

been resolved between the parties and petitioner has made payment of one time settlement of Rs. 3,25,000/- a compromise petition was filed before the District & Sessions Judge, Motihari during the hearing of the anticipatory bail application. The same has been brought on record as Annexure-2. The notices were issued to opposite party no. 2.

The office note dated 23.06.2016 reflects that opposite party no. 2 has received notice personally, but refused to grant receipt. In the circumstances, the notice received by opposite party no. 2 is deemed to be validly served. Since opposite party no. 2 has chosen not to controvert the anticipatory bail application of the petitioner. It is a case for consideration of prayer for regular bail of the petitioner.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. C-21/2010, pending in the court of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran, Motihari.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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