

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6303 of 2016

Arising Out of PS.Case No. -144 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

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Gulam Rabbani @ Golam Rabbani Son of Md. Farooque, Resident of
Village- Masnadpur, P.S. Azamnagar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruby Khatoon Wife of Gulam Rabbani, Resident of Silligori Salbari, PS
Pardhan Nagar, District- Darjiling (W.B.). At Present resident of
Tildangi PS Azam Nagar (Salamri OP) District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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

ORAL ORDER

05/ 01-08-2016

Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 323, 341, 498A and 380/34
of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
informant but both have decided to part ways of payment of one
time amount of Rs.2,50,000/-, out of which Rs..1,25,000/- has



already been paid and the rest amount of Rsd.1,25,000/- is being paid today in cash to the counsel for the informant, who undertakes to hand it over to the informant. Supplementary affidavit has been filed to this effect. Both sides have decided to withdraw Azamnagar (Salmari O.P.) P.S. Case No. 144 of 2015 and Azamnagar (Salmari O.P.) P.S. Case No. 301 of 2014. Terms of agreement has been stipulated in paragraph nos. 3 to 5 of the supplementary affidavit, which reads as follows:-

“That it is started that an agreement has been prepared among the purchases and they have decided to pay Rs.2,50,000/- to the informant and the informant has also agreed to withdraw the present case vide Azamnagar (Salmari O.P.) P.S. Case No. 11/15 as well as earlier case vide Azamnagar (Salmari O.P.) P.S. Case No. 301/2014 after payment the entire amount i.e. Rs.2,50,000/-

That it is stated that the petitioner has already gave Rs.1,25,000/- to the informant by way of in her Bank Account.

That it is stated that the petitioner is ready to pay the rest amount Rs.1,25,000/- by way of cash.”

It is expected from the learned counsel for the informant to endorse the receiving of the cash of Rs.1,25,000/-.

In the circumstances, counsel for the informant is not opposing the bail prayer of the petitioner.

Considering the aforesaid facts, let the above



named petitioner be released on anticipatory bail 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 Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 144 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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