

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33128 of 2016

Arising Out of PS.Case No. -125 Year- 2016 Thana -TAJPUR District- SAMASTIPUR

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Md. Manjoor Alam @ Md. Manzoor Alam Son of Late Md. Habib Resident of Mohalla- Amla tola Quarter No.- 104 F, P.S.- M.G. Road, Katihar, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Sahana Pravin Wife of Md. Manjoor Alam @ Md. Manzoor Alam D/o Late Md. Abdul Mannan R/O Village- Shahpur, Badhauni Ward No.-5, P.S- Tajpur, District- Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 15-12-2016

Heard learned counsels for the petitioner, State and the opposite party no.2-informant.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 498A, 406, 494, 420, 120B/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant but the marriage was dissolved in pursuance to



judgment dated 31.03.2004 passed by learned Munsif, Katihar in Matrimonial Suit No. 83 of 2003, on the basis of compromise petition filed on 23.09.2003.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 26.09.2016. The report of the Mediator at Flag 'A' dated 13.12.2016 reflects that the issue has been settled on payment of one time settlement amount of Rs.2,00,000/- (Two lakhs) and cheques to that effect have been issued and both sides agree to withdraw the cases pending between them.

Mr. Deepak Kumar Singh, learned counsel for the informant does not dispute the contention of the counsel for the petitioner but is apprehensive with regard to the encashment of the cheques.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for two months, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Samastipur in connection with



Tajpur (Waini) P.S. Case No. 125 of 2016, 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 the learned court below on encashment of the cheques issued by the petitioner. The informant will file an affidavit within one week of encashment of the cheques or crediting of the amount in her account before the learned court below. The provisional bail of the petitioner will be confirmed by learned court below on filing of affidavit by the petitioner that the cheques have been encashed or credited in the account of informant.

(Dinesh Kumar Singh, J)

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