

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11453 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -PAWNA District- BHOJPUR

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MD. SOYEB RAJA @ MD SOYAB RAJA Son of Md. Jamaluddin
Resident of Mohalla - Milki Mohalla, Police Station - Arrah Town, District
- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar

For the Opposite Party/s : Mr. Madan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-04-2017

Heard Mr. Rashid Izhar, learned counsel for the petitioner, Mr. Rama Kant Singh, learned counsel for the informant and Mr. J.N. Thakur, learned counsel for the State.

The petitioner being husband of the informant has preferred the present application on apprehension of being arrested in a case registered for the offences punishable under Section 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 informant. However, the petitioner has already given talaq to the informant as per muslim rituals and filed Matrimonial Suit No. 357 of 2015 for conformation of the said talaq.



On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the State Legal Services Authority vide order dated 03.10.2016. The report of the Mediator at Flag-A dated 11.01.2017 reflects that both sides have decided to part ways on payment of permanent alimony of Rs. 2,50,000/- by way of bank draft within a period of two months. The petitioner further agreed to return all the articles given at the time of marriage to the informant during the said period.

Though the agreement was reached between the parties on 11.01.2017 with clear stipulation that petitioner would comply the undertaking given before the Mediation Centre within a period of two months, but today learned counsel for the petitioner has brought two drafts of Rs. 1,25,000/-each being draft nos. 001136 and 001137 drawn on Bank of India dated 11.04.2017 and 13.04.2017 and the same is being handed over to the counsel appearing on behalf of the informant for its being handing over to the informant.

It is expected from the counsel for the informant to make necessary endorsement to that effect on the record.

It is further submitted that the articles of the informant in pursuance to the agreement arrived at during Mediation has already been returned to the informant.

It is jointly prayed that both sides have also



agreed that they will file appropriate application before learned Court below expressing the present stand when it is expected from learned Court below to conclude the proceedings in accordance with law preferably within a period of four months.

In such circumstance, learned counsel for the informant is not opposing the prayer for bail of the petitioner.

Considering the present stand of the parties, 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, 1st Class, Arrah in connection with Pawana P.S. Case No. 43 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the order of this Court along with the report of the Mediator including a copy of terms of the agreement be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

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