

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9979 of 2016**

Arising Out of PS.Case No. -508 Year- 2015 Thana -MOTIHARI TOWN District-  
EASTCHAMPARAN(MOTIHARI)

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Mumtaz Ali @ Md. Mumtaz Ali Son of late Asgar Ali Resident of Village-  
Ramana Miscot P.s Motihari town, District East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Nargish Khatoon daughter of Jamil Khan Resident of Village- Chand  
Saraiya P.S. Piprakothi District East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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

06/ 17-01-2017

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

The petitioner being the husband of the  
informant is apprehending his arrest in a case registered for the  
offences punishable under Sections 498A, 323, 380, 406, 120B  
of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

It is submitted by learned counsel for the  
petitioner that the petitioner admits his marriage with the  
informant and submits that initially the petitioner filed  
Matrimonial Suit No. 272 of 2010 for restitution of conjugal life



and thereafter the informant was divorced as per muslim rituals and Matrimonial Suit No., 114 of 2015 was filed for confirmation of divorce when the present FIR was registered on 30.07.2015.

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 02.08.2016. The report of the Mediator at Flag 'A' dated 02.12.2016 reflects that the issue has been resolved on payment of one time settlement amount of Rs.1,50,000/-.

Counsel for the petitioner submits that the aforesaid amount has already been paid to the informant.

Mr. Umesh Kumar Singh, learned counsel for the informant does not controvert the contention of the learned counsel for the petitioner and is not opposing the prayer for bail of the petitioner.

It is jointly submitted that the matrimonial suit is still pending and the parties have agreed to file appropriate application in the matrimonial suit filed for confirmation of the divorce. They also agreed to file appropriate application with regard to the present stand of the parties in Motihari Town P.S. Case No. 508 of 2015 when it is expected from the learned



CJM, East Champaran, Motihari to conclude the proceeding in view of the present stand of the parties by passing appropriate order in accordance with law.

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, East Champaran at Motihari in connection with Motihari P.S. Case No. 508 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J.)**

DKS/

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