

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6224 of 2017

Arising Out of PS.Case No. -902 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Md. Kalimullah son of Jahir Alam resident of Village - Chatia, P.O. and
P.S.- Malahi, Distt - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Meharnaz Parveen, Wife of Md. Kalimullah, D/o Tabrej Dewan
Resident of Village - Ghorasahan , District - East Champaran, At
present Mohalla - Agarwa, P.O. and P.S. Motihari Town, East
Champaran, District – Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 25-08-2017

Heard learned counsels for the petitioner,

complainant-opposite party no. 2 and the State.

The petitioner, being the husband of the complainant, is apprehending his arrest in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner and the complainant are present in the Court.

The prosecution case got initiated with filing of Complaint Case No. 902 of 2016 on 16.05.2016, alleging therein that marriage between the petitioner and the complainant was performed on 09.10.2014. Subsequently, a motorcycle and Bolero



vehicle were further demanded as dowry and for non-fulfillment of the same, torture was inflicted upon the complainant. The accused persons assaulted the complainant and subsequently, she was driven out from the matrimonial house. The complainant-opposite party no. 2 had an apprehension that the petitioner will perform second marriage. Subsequently, on examination of the witnesses on S.A. and the statement of enquiry witnesses, cognizance was taken for the offences punishable under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The matter was referred to Mediation & Conciliation Centre of the Patna High Court, vide order dated 16.02.2017. The report of the Mediator dated 15.05.2017, kept at flag 'A' reflects that the issue has been reconciled. Both sides are ready to resume the conjugal life.

Counsel for the complainant submits that torture was inflicted at the hands of the petitioner and his family members and the petitioner has not taken any initiative since last more than a year for getting the issue resolved, but despite the same, the complainant is always ready to reconcile the issue. Moreover, the complainant admits to have signed the memorandum of agreement appended with the Mediator's report, kept at Flag 'A' which reflects that issued has been reconciled.



It is jointly submitted that both sides agree to appear before the learned Court below on 11th of September, 2017, when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the fact that the issue has been reconciled, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sadar, East Champaran at Motihari in connection with Complaint Case No. 902 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will accept the bail bond of the petitioner provisionally for six months and the same will be finally accepted on substantial restoration of the matrimonial harmony or if the complainant gets reluctant to reconcile the issue or if the complainant fails to appear before the learned Court below.

(Dinesh Kumar Singh, J)

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