

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14708 of 2017

Arising Out of PS. Case No.-48 Year-2016 Thana- MAHILA THANA District- Begusarai

Ajit Lal Das Son of Ram Lakhon Das, Resident of Village-Thakurichak, P.S.-Garhara, District-Begusarai At Present Resident at 49/6, Tripura Rai Lane, P.S.-Gola Bari, District-Habra, State-West bengal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Barsha Kumari Wife of Ajit Lal Das, Daughter of Jahasi Kumar Resident of Village-Bihat, Ward No. 7, P.S.-Garhara, District-Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. AJIT KUMAR, APP
For opposite party No.2	:	Mr. Indrajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 23-11-2017 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Section 498A/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

The matter was referred to the Mediation Centre, Patna High Court by order dated 22.06.2017. It has been reported by the Mediator that the mediation has failed.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation



of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

It has further been submitted on behalf of the petitioner that the opposite party No.2 does not want to reside with the petitioner. Hence, as one time settlement the petitioner is ready to pay an amount of Rs.5 lacs within a period of six months. The offers made on behalf of the petitioner is accepted to the counsel for the opposite party No.2.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the F.I.R.

Considering the submissions made on behalf of the parties, let the petitioner, above named, be released on provisional anticipatory bail for a period of six months on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Begusarai in connection with Mahila P.S. case No.48 of 2016, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

In the meantime, the petitioner shall deposit an amount of Rs.5 lacs in the court below, which shall be released in favour of the opposite party No.2. Once the entire amount is deposited by the petitioner, the court below shall confirm the provisional anticipatory bail granted to the petitioner. As one time settlement is arrived between the parties, the parties shall take necessary steps for getting their litigation resolved pending before the court below.

(Sudhir Singh, J)

Narendra/-

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