

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35145 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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Md. Irsad Son of Md. Habibulla Resident of Village- Jhitkiya, Police
Station- Singheshwar, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Shahnaz Khatoon wife of Md. Irshad, Daughter of Md. Manovar
Resident of Mohalla- Nauhatta, Ward No. 7, Police Station Nauhatta,
District Saharsa.

.... Opposite Party/s

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with

Criminal Miscellaneous No.19803 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SAHARSA

=====

Md. Irshad, Son of Md. Habibulla, Resident of Village- Jhitkiya, Police
Station- Singhehwar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shahnaz Khatoon, Wife of Md. Irshad, Daughter of Md. Manovar,
Resident of Mohalla- Nauhatta, Ward No. 7, Police Station- Nauhatta,
District- Saharsa.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.35145 of 2016)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.19803 of 2017)

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 16-05-2017 Heard learned counsels for the petitioner, opposite party
no.2 and the State.

In both the applications, the petitioner is one and the



same.

In Cr. Misc. No.35145 of 2016, the petitioner Md. Irsad being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Section 498A 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.

Notices were issued to the informant/opposite party no.2 on submission of learned counsel for the petitioner that the petitioner is ready to keep the informant as wife with full dignity and honour.

On joint prayer of the parties, the matter was referred vide order dated 17.01.2017 to the Mediation & Reconciliation Centre of Patna High Court. The report of the mediation dated 20.02.2017, at flag-‘C’ reflects that both sides decided to part ways and also decided not to pursue the litigation. Hence, it is submitted on behalf of the petitioner that the petitioner may be granted bail in view of the agreement arrived at between the parties during mediation.

The contention of learned counsel for the petitioner is not being controverted by the learned counsel for the informant and hence the informant is not opposing the prayer for bail of the



petitioner.

Vide order dated 01.03.2016 passed in Cr. Misc. No. 10087 of 2016, the petitioner was earlier granted provisional anticipatory bail for six months in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC on the averment made in para 15 of the said petition that the petitioner is ready to keep the complainant with full dignity and honour. The provisional bail of the petitioner was to be confirmed by learned court below in three eventualities, (i) on substantial restoration of matrimonial harmony within six months (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant is reluctant to reconcile the issue.

Cr. Misc. No. 19803 of 2017 has been filed with a prayer for modification of the order dated order dated 01.03.2016 passed in Cr. Misc. No. 10087 of 2016 to the extent of confirmation of the provisional bail.

In Cr. Misc. No. 19803 of 2017, learned counsel for the petitioner submits that though the provisional bail of the petitioner has not been confirmed by learned court below but bail bonds of the petitioner have also not been cancelled and he is still continuing on provisional bail. This contention of the petitioner



has not been controverted by learned counsel for the informant who submits that he has no objection if the provisional bail of the petitioner granted vide order dated 01.03.2016 passed in Cr. Misc. No. 10087 of 2016 is being confirmed in connection with Complaint Case No. 1680C of 2014 pending in the Court of learned Judicial Magistrate, 1st Class, Saharsa.

Accordingly, the provisional bail granted to the petitioner vide order dated 01.03.2016 passed in Cr. Misc. No. 10087 of 2016 with regard to Complaint Case No. 1680C of 2014 pending in the Court of learned Judicial Magistrate, 1st Class, Saharsa is hereby confirmed.

Considering the present stand of the parties and the agreement arrived at between the parties during mediation, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura in connection with Singheshwar P.S. Case No.105 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let a copy of the order and report of the mediator including the terms and conditions of the agreement be transmitted



to the learned CJM, Madhepura and J.M., 1st Class, Saharsa.

(Dinesh Kumar Singh, J)

Amrendra/-

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