

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25187 of 2017

Arising Out of PS.Case No. -1352 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Jamal Ashraf, son of Aftab Alam, resident of Village- Mahuawa, P.S.-
Shikarpur, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.

2. Sayasta Praveen @ Sahista Jahan, daughter of Sheikh Rafat, resident of
Village- Mahuawa, P.S.- Shikarpur, District- West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the
complainant/opposite party no.2.

The petitioner seeks pre-arrest bail in connection
with S.C. No.1170 of 2016 arising out of Complaint Case No.
1352-C of 2016 registered for the offences punishable under
Sections 323 and 498-A of the Indian Penal Code as well as
Section 4 of the Dowry Prohibition Act.



It is submitted by the learned counsel for the petitioner that prior to institution of the present case, the complainant had instituted Shikarpur P.S. Case No.319 of 2013 against the petitioner on 24.09.2013 under Sections 363, 376, 366 and 506 of the Indian Penal Code as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012 in which after completion of investigation, Final Report No.166 of 2014 dated 09.06.2014 was submitted and the accusation against the petitioner was found to be untrue and, thereafter, notice was also served upon the opposite party no.2 for hearing on the point of cognizance, but she withheld her appearance and, then finding no evidence to proceed with the case, the petitioner was discharged from the case and thereafter, the instant case has been instituted.

The aforesaid submission made by the learned counsel for the petitioner has not been controverted by the learned counsel for the complainant. However, a submission is made that after the institution of the aforementioned FIR, panchayati took place and the parties entered into a compromise pursuant to which the complainant agreed to marry the petitioner and after *nikah*, she started residing with the petitioner, but subsequently, she was subjected to cruelty for non-fulfilment of



demand of dowry.

Regard being had to the submissions made on behalf of the parties, in the event of arrest or surrender within a period of six weeks from the date of receipt/production of a copy of this order, the petitioner, above named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West Champaran at Bettiah in connection with S.C. No.1170 of 2016 arising out of Complaint Case No. 1352-C of 2016 subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Ashwani Kumar Singh, J)

Sanjeet/-

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