

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8090 of 2017

Arising Out of PS.Case No. -1794 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Pappu @ Md. Ayazullah @ Md. Ayas @ Md. Ayaz Son of Md. Yunus, Resident of Mohalla- Asanandpur, Police Station- Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Mahzabi Daughter of Md. Nasim, Resident of Village- Naya tola, Warsaliganj, Police Station- Habibpur, District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 20-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 498(A) of the Indian Penal Code and ¾ of the Dowry Prohibition Act.

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. It has further been submitted on behalf of the petitioner that a final settlement has been arrived between the parties and in pursuance to the settlement two drafts of the State Bank of India, Tatarpur bearing Nos.469647 and 469648 of Rs.25,000/- each (total Rs.50,000/-) are being handed over to the counsel for the Complainant.

The counsel for the Complainant accepts the submissions made on behalf of the petitioner and accepts the drafts in favour of the Complainant and signs in the margin of the order sheet in token of receipt of the same. Counsel for the Complainant further submits that the complainant shall withdraw the present case within a period of one month taking into consideration that the final settlement has already been arrived between the parties.

Considering the aforesaid facts and circumstances, the following directions are given :-

Counsel for the Complainant is directed to file a petition in respect to withdrawal of the Complaint case within a period of one month and the court below shall pass an order in accordance with law taking into account the one time settlement arrived between the parties.



Let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhagalpur in connection with Complaint case No.1794 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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