

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13938 of 2015

Arising Out of PS.Case No. -1956 Year- 3013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Zaffar Asharaf S/o Md. Motiur Rahman Resident of Village Segarpur, P.S. Sakari, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bashira Khatoon W/o Zaffar Asharaf, D/o Md. Aabid Hussan R/o Village Seganpur, P.S. Sakari, District Madhubani, at present residing Rahmatganj, P.S. Laherisarai, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

21/ 21-03-2017 Heard learned counsels for the petitioner, complainant-opposite party no. 2 and Mr. J.N. Thakur for 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 Sections 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant having no issue.

The matter was adjourned since last several occasions for allowing the parties to resolve the issue. The matter was adjourned on 21.02.2017 for filing of joint affidavit since the issue is on the verge of being resolved, but instead of joint affidavit, affidavit has been filed on behalf of the petitioner dated 09.03.2017 wherein it has been stated that the issue has been resolved on the condition that the petitioner will pay Rs.2,00,000/- (Two lakhs) and return all the articles given at the time of marriage in the existing condition. The said amount of Rs.2,00,000/- (Two lakhs) will be paid within a period of three months. Statements have been made in paragraph nos. 3 and 4 of the supplementary affidavit, which read as under:-

*“3. That O.P. No. 2 is ready and willing and has accepted the offer of the petitioner.
4. That the petitioner will give Rs. 2 lacs to O.P. No. 2 within 2 months.*

Learned counsel for the complainant does not controvert the contents made in the supplementary affidavit but prays that the quantum of amount should be Rs.2,50,000/-

Counsel for the petitioner submits that the



petitioner will make payment of said Rs.2,50,000/- within a period of three months instead of two months and on the basis of the said agreement the counsel for the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with C. R. No. 1956 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Either party will be at liberty to file appropriate application before this Court in case of breach of terms of agreement.

(Dinesh Kumar Singh, J.)

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