

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37313 of 2016

Arising Out of PS.Case No. -363 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Meraj Alam son of Shakil Ahmad resident of Nayakila, P.S.- Siwan Town,
District – Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri S.M. Rahman

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

06/ 09-03-2017

Heard learned counsels for the petitioner, the

informant and Mr. J.N. Thakur, learned counsel for the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A/34 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.

On instruction, it is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant, but, claims to have given Talaque to the informant, as per Muslim rituals.

It is submitted by learned counsel for the



informant that the informant, though, initially denies the factum of Talaque.

On the joint prayer of the parties the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 09.12.2016. The report of the Mediator at Flag 'A' dated 06.02.2017 reflects that the issue could not be resolved through the process of mediation. Today a joint affidavit has been filed to the effect that the parties have decided to part ways on payment of Rs.3,00,000/- as one time settlement amount. Out of which the petitioner has handed over two drafts of Rs.25,000/- each total amounting to Rs.50,000/- vide draft nos. 101000440992941 and 101000440992942 dated 07.03.2017 drawn on State Bank of India to the counsel for the informant for being handed over to the informant, who is present in the Court. It is expected from the learned counsel for the informant to make endorsement to that effect on records. The rest Rs.2,50,000/- will be paid through bank draft by submitting the same before the learned court below within a period of four months. The same will be released in favour of the informant by learned court below as per the new terms of the compromise. The informant accepts initial Talaque being claimed to have been given by the



petitioner and on payment of Rs.2,50,000/- the informant will not make any further claim.

Mr. Dhanjan Kumar, learned counsel for the informant does not dispute the contention of the counsel for the petitioner and admits that the issue in question has been resolved on payment of one time settlement amount of Rs.3,00,000/- and the informant will file appropriate compromise petition in the present case i.e. Siwan Town (Nagar) P.S. Case No. 363 of 2016.

Counsel for the petitioner also submits that the petitioner will also file appropriate application in the case lodged by him against the informant being Siwan Town P.S. Case No. 382 of 2016.

It is expected from the learned court below to conclude the proceeding in view of the present stand of the parties.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail provisionally for five months, 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, Siwan in connection with Siwan Town (Nagar) P.S. Case No. 363 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail will be confirmed by the learned court below on submission of draft of Rs.2,50,000/- in favour of the informant and on filing such application the same will be released in favour of the informant.

(Dinesh Kumar Singh, J.)

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