

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42793 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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Amzad Hussain @ Amjad Husain son of Afzal Hussain resident of Village-
Rudrapur, P.S.- Rudrapur, District- Dewaria (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asma Khatoon Daughter of Abdul Munaf resident of At Jangalia Near
Kali Asthan, P.S.- Gopalganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the State : Mr. Smt Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-04-2017 Heard learned counsels for the petitioner, informant and
the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and he is ready to keep her as wife with full dignity and honour. A statement to that effect has been made in paragraph no. 8 of the petition, which reads as under :-

*"That the petitioner is still ready to
keep the informant as his wife with full*



dignity and honour."

The offer of the petitioner was not acceptable by the informant.

This Court, vide order dated 28.09.2016, on joint prayer of the parties, referred the matter to the Mediation and Conciliation Centre of Bihar State Legal Services Authority. The report of the 'Mediator' dated 28.02.2017, kept at 'Flag-N', reflects that both the parties have decided to part ways on payment of one time settlement amount of rupees two lacs through demand draft. Both sides also agree to withdraw the cases lodged against each other.

A supplementary affidavit has been filed on 08.04.2017, which reflects that rupees two lacs have been paid and articles have been returned to the informant.

It is further submitted by learned counsel for the petitioner that the petitioner undertakes to pronounce Talak to the informant opposite party no.2 as per Muslim customs within a period of five weeks from today. Provided the informant files appropriate application to withdraw/compromise Gopalganj Mahila P.S. Case No. 30/2016. Though, statement to that effect has been made in the supplementary affidavit but no time frame has been mentioned. The petitioner also undertakes to file appropriate application for compromise in Complaint Case No.



2282/2016, pending before the learned Judicial Magistrate-II, Deoria (U.P.), which was filed by the petitioner against the opposite party no. 2.

It is submitted by learned counsel for the informant that the informant undertakes to withdraw Misc. Petition No. 393/2016 filed with a prayer for maintenance. Learned counsel for the informant is not controverting the contention of learned counsel for the petitioner and is not opposing the prayer for bail of the petitioner, at present.

Considering the present stand of the parties, 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 CJM, Gopalganj, in connection with Gopalganj Mahila P.S. Case No.30/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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