

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16512 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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1. Rajik Anwar @ Abdul Rajik Anwar @ Abdur Rajik Anwar Son of Md. Musa Resident of Village & P.O.- Andhrathharhi, P.S.- Andharathari, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Gulshan Khatoon, w/o Rajik Anwar, r/v Andhrathharhi, P.S.- Andharathharhi, District-Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha
For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 29-06-2017 Heard learned counsels for the petitioner, complainant and the State.

The petitioner being husband of the complainant is apprehending his arrest in a complaint case registered for the offences punishable under Sections 341, 323, 504, 498A, 379/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case is that a written report was filed by Gulshan Khatoon, opposite party no. 2, before the Officer In-charge, Madhubani Mahila P.S., alleging therein, that the informant's marriage with the petitioner was performed on



21.04.2013 with fixation of Mehar amount of Rs. 16,151/- and after few days of the marriage further demand of Rs. 2 lacs was made along with a motorcycle. Subsequently, even a female child, namely, Gul Afasha Praveen born out from the wedlock, but even thereafter, the in-laws deprived the informant from food for non-fulfillment of further demand of Rs. 2 lacs. The father of the petitioner in order to resolve the issue paid Rs. 60,000/- on 28.02.2015 to the in-laws for purchase of motorcycle, but lastly on 09.03.2015, the informant was driven out from her matrimonial house after snatching her ornaments worth Rs. 2,000,00/-. Thereafter, the father of the informant again went to her in-laws house and tried to pacify the matter, but the petitioner's family declined to keep her daughter and on the basis of written report of Gulshan Khatoon, Madhubani P.S. Case No. 57/2015 was registered on 08.08.2015 for offences punishable under Sections 341, 323, 504, 498A, 379/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Sri Subhash Kumar Jha, learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of a female child. It is further submitted that prior to lodging the present case the petitioner had filed an Informatory Petition bearing No. 53/2015 on 20.03.2015 before



A.C.J.M., Jhanjharpur, Madhubani, stating therein, that the informant has illicit relation with Md. Taufiq Alam. Consequently, the petitioner gave Talaq to the informant and informed the father of the informant on 23.03.2015. The same was affirmed by the Kazi on 08.08.2015 and the informant was informed.

On a joint prayer, the matter was referred to the Mediation and Conciliation Centre of the State Legal Services Authority vide order dated 08.09.2016, but the report of the mediator dated 28.10.2016 reflects that the issue could not be resolved through the process of mediation.

Today, a joint compromise petition has been filed to the effect that both petitioner and opposite party no. 2 decided to part ways on payment of one time settlement amount of Rs. 3 lacs. The said amount has already been paid to the informant. Further statement has been made that the appropriate application for compromise/withdrawal has been filed in the present criminal miscellaneous as well as in the maintenance case.

Learned counsel for the informant submits that the informant is not denying the factum of compromise and also admits that the agreed settlement amount has been paid to her. The informant is also not denying the factum of Talaq and in the circumstances, the informant is not opposing the prayer for bail of



the petitioner.

Considering the present stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Mahila (Madhubani) P.S. Case No. 57/2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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