

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31479 of 2016

Arising Out of PS.Case No. -1258 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Firoj Alam @ Md. Firoz son of Md. Jalal, resident of Village-
Kajipura, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Farhin Bano wife of Firoj Alam @ Md. Firoz, daughter of Md. Sattar,
resident of Mohalla- Kulipara, P.S.- Katihar, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Sri Mujtabaul Haque

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 08-05-2017

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand after seven years of marriage.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant and he is ready to keep the complainant with dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-



“That the petitioner is always ready to keep the complainant with full honour and dignity if the complainant wants to reside in her matrimonial house.”

However, in the alternative, the petitioner is also ready to make payment of Rs. 2,00,000/- as one time settlement amount, provided the complainant withdraw all the cases filed against the petitioner.

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner but she is only interested to compromise the present complaint case. Moreover, the petitioner has performed second marriage.

In the circumstances, in spite of adjourning the matter on several occasions, the issue is not likely to be resolved at present.

In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar, in connection with



Complaint Case No. 1258 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Learned Court below will get the issue mediated between the parties and try to resolve the issue either in terms of resumption of conjugal life or in terms of making payment of one time settlement amount.

The provisional bail of the petitioner will be confirmed by learned Court below on resumption of conjugal life within a period of six months, or if both sides settle their disputes by way of one time settlement amount or if the complainant gets reluctant to reconcile the issue, otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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