

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50662 of 2018

Arising Out of PS. Case No.-1486 Year-2013 Thana- NAWADAH COMPLAINT CASE
District- Nawada

Ashraf Ali, Son of Zamil Ahmad, resident of Hopuse No. 55, Old Road Sanjay Nagar, P.S. Sumerpur, District- Pali (Rajasthan).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Afsana Khatoon @ Asharfi, D/o Md. Moin Khan @ Mohiuddin, W/o Ashraf Ali, resident of House No. 55, Old Road Sanjay Nagar, P.S. Sumerpur, District Pali (Rajasthan), at present resident of Village- Mudhena, P.O. Chamotha, P.S. Rajauli, District- Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmesh Kumar Shrivastava
For the State	:	Smt. Renu Kumari
For the O.P. No. 2	:	Mr. Devendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-09-2018 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No. 2.

The petitioner is apprehending his arrest in a case in which cognizance has been taken under section 498A of the Indian Penal Code and 4 of Dowry Prohibition Act.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

This is the second anticipatory bail application preferred on behalf of the petitioner. The earlier bail application of the petitioner was rejected vide dated 28.02.2018 passed in Cr. Misc. No. 6450 of 2018. Against the said order, the petitioner had preferred appeal before Hon'ble Supreme Court. Following the observation of



the Hon'ble Supreme Court in order dated 10.05.2018 passed in Special Leave to Appeal (Crl.) No. 3891 of 2018:

“Today, before us also, the petitioner reiterates that he is ready and willing to keep and maintain his wife, in all sincerity and he also stated that for this purpose, whatever conditions, as are found reasonable, can be imposed. Having regard to the aforesaid submission, we permit the petitioner to approach the High Court again and make an application and on making such an application, the High Court can consider the same again on merits.”

Both the parties are present in Court. It has been submitted on behalf of the parties that the matter has been settled between them and they have decided to live together.

Considering the stand taken by the parties, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Complaint Case No. 1486 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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