

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15765 of 2019

Arising Out of PS. Case No.-468 Year-2018 Thana- COMPLAINT CASE District- Araria

Md. Rafe Alam @ Md. Rafil @ Md. Rafe, Son of Abdur Raqueeb, Resident
of Village - Bhansiya , P.S.- Mahalgaon (Jokihat), Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Khilkat Praween, Wife of Md. Rafe Alam, D/o Late Rafique Uddin,
Resident of Village - Belwa Tapu Tola, P.S.- and Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant,
is apprehending arrest in a complaint case wherein process has
been 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 prosecution case as per the complainant is that
the marriage of the complainant was performed with the
petitioner on 14.05.2016 but subsequent to the marriage, the
torture was inflicted upon the complainant for non-fulfillment of
further dowry demand of Rs.Five lakhs.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and birth of a child, who is residing with the petitioner. During mediation, the issue has been resolved between the parties. Both sides have agreed to part ways on payment of one time settlement amount of Rs.1,50,000/-, out of which, Rs.50,000/- has been paid to the complainant on 31.07.2019 and remaining amount of Rs.1,00,000/- will be paid in two equal installments, when first installment will be paid till 30th of September, 2019 and second installment will be paid till 30th of October, 2019.

The report of the Mediator dated 31.07.2019 is on record.

None appears for the opposite party no. 2.

Learned counsel for the State submits that since the issue has been resolved between the parties, the prayer for anticipatory bail may be considered.

Considering the nature of accusation and the fact that the issue has been resolved in terms of payment of one time settlement amount which gets reflected from the report of the Mediator, 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 twelve weeks from



today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Araria in connection with Complaint Case No. 468C of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let this order be transmitted to the learned Court below along with a copy of the report of the Mediator.

(Dinesh Kumar Singh, J)

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