

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63426 of 2018

Arising Out of PS. Case No.-126 Year-2018 Thana- CHHATAUNI District- East Champaran

1. Md. Amirullah Quraishi @ Amirullah son of Yaqub Quraishi
 2. Farida Khatoon Wife of Md. Amirullah Quraishi @ Amirullah
 3. Soni Khatoon @ Sadiya Khatoon D/o of Md. Amirullah Quraishi @ Amirulla
 4. Sajjad Ali @ Sajjad Son of Md. Amirullah Quraishi Q Amirullah
- All are Resident of Village-Hussainganj, P.S. Hussainganj, Distt.-Siwan
... .. Petitioner/s

Versus

1. State Of Bihar
 2. Shagufta Wife of Firoz Alam D/o Asghar Ali Resident of Mohalla-Khudanagar Motihari, P.S.-Chhatauni, Distt.-East Champaran
- Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 72786 of 2018

Arising Out of PS. Case No.-126 Year-2018 Thana- CHHATAUNI District- East Champaran

FIROZ ALAM @ FIROZ ALI @ FIRON ALAM S/o Amiullah, R/o Village
PS Hussain Ganj, District Siwan HUSBAND

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sagufta W/o Firoj Alam D/o Asagar Ali, R/o Khanpur Kherati Uteri Hussainganj, PS Hussainganj, District Siwan. At Present R/o Mohalla Khudanagar Motihari, PS Chhatauni, District East Champaran.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63426 of 2018)

For the Petitioner/s : Mr.Iqbal Asif Niazi

For the Opposite Party/s : Mr.Sri Anil Kumar Singh 1

(In CRIMINAL MISCELLANEOUS No. 72786 of 2018)

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-04-2019 Heard learned Counsel for the petitioners and

learned APP for the State.



The petitioner in Criminal Miscellaneous No. 63426 of 2018 being, the parents, sister and brother of the husband of the informant, whereas, petitioner in Criminal Miscellaneous No. 72786 of 2018 being, the husband of the informant, are apprehending arrest in a case registered for the offences punishable under Sections 498A, 316 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Initially, the prosecution case got initiated with filing of Complaint Case No.60 of 2018, which came to be registered as police case, being Chhatauni P.S Case No.126 of 2018, after its being transferred under Section 156(3) of the Code of Criminal Procedure to the police for investigation.

The prosecution case as per the complainant-informant is that the informant was married with the petitioner Firoz Alam @ Firoz Ali on 20.09.2016, but thereafter further dowry demand of Rupees Two Lacs and a Maruti Car was made and due to non-fulfillment of the same, the informant was not only tortured, but also assaulted by the accused persons. On 15.12.2017, the accused persons brutally assaulted the informant, as a result, her pregnancy got terminated and ultimately, the informant was driven out from the matrimonial house by the petitioners and other in-laws family members.



It appears that a Co-ordinate Bench of this Court vide order dated 11.12.2018 considering the consent of both the parties, referred the matter to the Mediation Centre of Patna High Court. The report of the Mediator kept at 'Flag-A' reflects that the issue has been reconciled between the parties in terms of resumption of conjugal life.

It is submitted by learned counsel for the petitioners that the informant is residing with her husband at present.

The contention of learned counsel for the petitioners has not been controverted by the learned counsel for the informant. However, learned counsel for the informant submits that the informant is apprehensive due to the past conduct of the petitioners. Though she is not opposing the prayer for bail of the petitioners.

Considering the report of the Mediator kept at 'Flag-A' which reflects that the issue has been reconciled between the parties and the present stand of the parties, let the above named petitioners 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran,



in connection with Chhatauni P.S. Case No.126 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the Mediator report including Memorandum of Agreement be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

Ashwini/-

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