

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45406 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- SHERGHATI District- Gaya

Md. Gullam Jillani S/o Md. Zafar Sadique, R/o Vill.- Gopalpur, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sabina Khatoon, W/o Md. Gullam Jillani, R/o Vill.- Gopalpur, P.S.- Sherghati, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 05-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Sherghati P.S. Case No.125 of 2018 for the offence punishable under Sections 341, 323, 325, 307, 504, 498(A), 34 of the Indian Penal Code and ¾ of Dowry Prohibition Act.

The allegation against the petitioner and other co-accused was that marriage of the petitioner was solemnized with opposite party No.2 and after the marriage, petitioner and his family members started torturing the informant by demanding Rs.50,000/- as dowry. It has further been alleged that on the date of occurrence, i.e., 10.02.2018, she was abused and beaten up by her in-laws and she was pushed from the roof of her house due to which waist bone of the informant got fractured.



In this case notice was issued to Opposite Party No.2 who has appeared through her counsel.

Learned counsel for the informant, i.e., Opposite Party No.2 has submitted that the informant has been getting treatment at AIIMS of fractured bone and huge amount of about 5-6 lakhs rupees has been spent in her treatment.

Learned counsel for the petitioner submits that he is ready to take care of his wife from today onwards and he will be taking responsibility of all the expenses incurred upon Opposite Party No.2 in the hospital. However, learned counsel for Opposite party No.2 submitted that at least petitioner should pay a lump sum amount to Opposite party No.2 who has already incurred huge amount of Rs. 5-6 lakhs in her treatment.

Learned counsel for the petitioner offered a sum of Rs.75,000/- as lump sum amount to be paid to opposite party No.2 in instalment within four months and offer made by petitioner has been accepted by opposite party No.2.

In view of the above-mentioned fact and the fact that the petitioner is ready to take care of Opposite Party No.2, i.e., his wife from today onwards and he has also assured the Court that the expenses incurred in the treatment of Opposite Party No.2 will be made by the petitioner from today onwards and after she recovers



from her injury, she will reside with the petitioner as wife with full honour and dignity and further the fact that the petitioner is ready to pay a lump sum amount of Rs.75,000/- to Opposite Party No.2 in instalment, accordingly, on the condition, as agreed between the parties as aforesaid, the petitioner, named above, is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, with aforesaid condition hereinabove as well as subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

In case, the petitioner deviates from his offer and promise, Opposite Party No.2 will be free to file an appropriate petition before appropriate Court against the petitioner.

(Anil Kumar Sinha, J)

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