

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57147 of 2019

Arising Out of PS. Case No.-9 Year-2016 Thana- ARWAL MAHILA District- Jehanabad

MD. SABBIR Son of Abdul Gafur @ Munna Mian Resident of Mohalla-
Baradari (Dalelganj), P.S.- Sasaram, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered under Section
323, 498A, 379, 307/34 of the Indian Penal Code and $\frac{3}{4}$ of
Dowry Prohibition Act.

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

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 22.06.2019 and has got no criminal
antecedent. There is no allegation of tampering of witnesses
alleged against the petitioner. The petitioner has falsely been
implicated in the present case.

A supplementary affidavit has been filed on behalf of the



petitioner. Same be kept on the record.

The following statement has been made in paragraph 4 of the supplementary affidavit filed on behalf of the petitioner.

“4. That the petitioner is husband of the informant and he is ready to keep and live with his wife with all respect and liability if she is ready to live with husband in the house of the petitioner with father and mother of the petitioner.

It is further submitted that the petitioner will not be reside in the house of informant in her Naihar in Arwal (House of the informant).

A counter affidavit has also been filed on behalf of the O.P. No.2. Same be kept on the record.

The following statement has been made in paragraph 6 of the counter affidavit filed on behalf of the O.P. No.2.

“6. That the O.P. No.2 wants to settle her matter with the petitioner on one-time basis.

Considering the statements made in the supplementary affidavit and counter affidavit, there is no chance of reconciliation between the parties. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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., Arwal in connection with Arwal Mahila P.S. case No.09 of 2016, Tr. No.1427 of 2018.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Sudhir Singh, J)

Narendra/-

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