

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49870 of 2019

Arising Out of PS. Case No.-255 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

=====

Kaishar Alam @ Md. Kausar Alam, Son of Late Kallu Mian, Resident of
Village - Saidpur, Dighwara, P.S.- Dighwara, Distt - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahaani Khatoon, Wife of Kaishar Alam, Resident of Village - Saidpur,
Dighwara, P.S.- Dighwara, Distt - Saran. At present Resident of Village -
Maanpura, P.S.- Goroul, Distt - Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-02-2020 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of
anticipatory bail apprehending his arrest in a case registered for
the offence(s) under section 498A and other sections of the
Indian Penal Code and sections 3 and 4 of the Dowry
Prohibition Act.

As per allegation in the complaint, the marriage between
the petitioner and the opposite party no.2 took place in the year
2015. It is further stated that at the time of marriage the father of
the complainant had given gifts worth Rs. 4 lacs and Rs. 1.85
lacs in cash. It is further stated that the accused persons started



making demand of Rs. 2 lacs and on non-fulfillment of the same, torture by the accused persons started.

From the records of the case, it transpires that notices were issued to the opposite party no.2 and the matter was referred to the Patna High Court Mediation Centre for conciliation between the parties. It further transpires that a report of the Mediator dated 12.12.2019 is available on record enclosing with the same an agreement dated 02.12.2019 signed by both the petitioner as well as the opposite party no. 2 stating therein that on the terms and conditions mentioned therein, settlement has been arrived at between the parties who had put their signature in presence of their counsel.

It is submitted by learned counsel for the petitioner that so far as the allegations in the complaint are concerned, the same are false and concocted. It is further submitted that although the agreement had been arrived at between the parties, however, subsequently, once again some differences arose.

Learned counsel for the informant also agrees that the agreement have been arrived at between the parties but thereafter he does not have any further instructions.

The application for bail has been opposed by learned APP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, nature of allegation together with the report of the Mediator, this Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Complaint Case no. 255 of 2017 (T.R. no. 1298 of 2018) is directed to be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-16-cum-Sub Judge-17, Hajipur, Vaishali, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

Ankit/-

(Partha Sarthy, J)

U		T	
---	--	---	--

