

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61323 of 2019

Arising Out of PS. Case No.-345 Year-2019 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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MD. ANWAR Son of Md. Kasim Resident of Village - Chakiya, P.S.-
Kudhani, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Rubana Khatoon Daughter of Md. Jabar Presently Resident of Village -
Fatehabad, P.S.- Hajipur Sadar, District - Vaishali at Hajipur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 27-02-2020 Heard learned counsel for the petitioner, learned
counsel for the O.P. No.2 and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Trial No.1034 of 2019, arising out of Complaint Case
No.345 of 2019 registered for the offence punishable under
sections 323, 498A, 406, 354B, 384 and 34 of the Indian Penal
Code and section 3 and 4 of the Dowry Prohibition Act.

As per allegation in the Complaint, it is stated that the
petitioner was married to the O.P. No.2 on 30.06.2018.
However, soon thereafter the accused persons started to beat her
up and tortured her for the demand of dowry of Rs. 2 lacs. They



also threatened to kill her. After inquiry, cognizance was taken for the offence under section 498A besides other sections of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that by order dated 26.11.2019, the matter was referred to the Patna High Court Mediation Centre, where the parties arrived at a settlement and the terms of the settlement has been enclosed along with the report dated 16.01.2020 of the Mediator. It is further submitted that after settlement between the parties, the O.P. no.2 had accompanied him to his house but after his going to Delhi to earn his livelihood, she once again left her sasural.

On the other hand, it is submitted by learned counsel for the O.P. no.2 that once the petitioner left to earn his livelihood at Delhi, she was assaulted by other members of family and thus had to go and take shelter at her parents' place.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner as well as the O.P. no.2 admittedly arrived at a settlement, even the allegation of subsequent assault is said to have taken place after the petitioner had left for Delhi, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in



the event of his arrest or surrender in connection with Trial No.1034 of 2019, arising out of Complaint Case No.345 of 2019, he will 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 Judicial Magistrate 1st Class, Civil Court, Vaishali at Hajipur, subject to the condition as laid down under section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J.)

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