

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31754 of 2020

Arising Out of PS. Case No.-1272 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Meraj Ansari (M), aged about 31 years, Son of Late Md. Ghulam Jafar,
Village - Kuawaa, P.O.- Kuawaa, P.S.- Chakia, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulshan Zareena, Wife of Md. Meraj Ansari, Daughter of Md. Yunus Ansari,
Resident of Village - Dumarbana, P.O.- Pakridayal, P.S.- Pakridayla, District
- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Asif Kalim, Advocate
For the State	:	Mr. Arun Kumar Singh No. 5, APP
For the OP No. 2	:	Mr. Umesh Chandra Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-03-2021

Heard Mr. Asif Kalim, learned counsel for the petitioner; Mr. Arun Kumar Singh No. 5, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Umesh Chandra Verma, learned counsel for the opposite party no. 2.

2. The petitioner, who is the husband of opposite party no. 2, apprehends arrest in connection with Complaint Case No. 1272 of 2019 dated 14.06.2019 instituted under Sections 498A/120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.

3. The allegation against the petitioner is that after



marriage, though the petitioner had been given cash of Rs. 3,50,000/-, jewellery, clothes and other articles worth Rs. 4,00,000/-, after *bidagiri* the petitioner and his family members had started taunting and misbehaving with her due to non-fulfilment of further demand of Rs. 50,000/- and finally it is alleged that she was administered drug with the intention to kill her and burn her but upon cry being raised, neighbours had come and saved her and then she came to her parents' house.

4. Learned counsel for the petitioner submitted that though earlier the Court had made an attempt and directed for an exercise by which the petitioner was to go to the house of opposite party no. 2 and take her to the matrimonial home on 7th March, 2021, but when he went there, the opposite party no. 2 and her family were not ready for the opposite party no. 2 to go to the house of the petitioner due to which a *panchayati* was held and settlement was arrived between the parties. It was submitted that in terms of the settlement, Rs. 3,00,000/- was to be paid to the opposite party no. 2. It was further submitted that the petitioner has paid Rs. 3,00,000/- to the *panches* by way of guarantee and the same would be taken back by the petitioner and a demand draft for Rs. 3,00,000/- would be prepared in the name of the opposite party no. 2 and deposited before the Court



below latest by 12th April, 2021.

5. On doing so, the Court shall fix the date in the case as 20th April, 2021. On that day, the petitioner as well as the opposite party no. 2 shall be present in Court. The Court shall record the statement of the opposite party no. 2 with regard to her having compromised the matter in lieu of Rs. 3,00,000/- as a one-time full and final settlement between them and that she has no grievance against the petitioner and would not pursue the complaint case. The demand draft shall then be handed over to the opposite party no. 2. The Court shall thereafter pass appropriate orders latest by 5th May, 2021.

6. Learned counsel for the opposite party no. 2 assures that even the separate maintenance case which she has filed, she will file a petition for withdrawing the same, within two weeks of receiving the demand draft of Rs. 3,00,000/-. The concerned Court shall pass appropriate orders thereupon latest within 15 days of filing such petition by the opposite party no. 2.

7. On 20th April, 2021, upon the exercise of recording the statement of the opposite party no. 2 and the demand draft for Rs. 3,00,000/- being handed over to her, having been completed, the petitioner shall be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand)



with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Magistrate, Sadar Motihari, District East Champaran in Complaint Case No. 1272 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. However, in the event of such exercise not having been completed by the petitioner by 20th April, 2021, the present application shall be deemed to have been dismissed.

9. Till 20th April, 2021, no coercive steps shall be taken against the petitioner in connection with Complaint Case No. 1272 of 2019 pending before the learned Sub-Divisional Magistrate, Sadar Motihari, District East Champaran.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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