

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62875 of 2019

Arising Out of PS. Case No.-427 Year-2018 Thana- JAYNAGAR District- Madhubani

MD. IBRAN Son of Sabir, Resident of Village - Barhi, P.S.- Jainagar Distt.- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rabina Khatoon D/o Md. Anwarul, Resident of Village - Barhi, P.O.- Barhi, P.S.- Jainagar, Dist.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

9 20-06-2022 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Jainagar P.S. Case No. 427 of 2018, corresponding to C.R.I. No.1565 of 2018, registered for offence punishable under sections 147, 148, 149, 323, 324, 307, 325, 341 and 498 (A) of the Indian Penal Code.

It is case of matrimonial dispute. The matter was referred to the Patna High Court Mediation and Conciliation Centre, but as per submission of the parties, the matter could not be resolved in the Mediation Centre.

As per allegation, the daughter of the informant was



married to the petitioner, Md. Ibran. As per allegation, the petitioner and his parents attempted to burn the daughter of the informant by sprinkling kerosene on her person. When the informant intervened, Md. Sabir assaulted the informant with *farsa* on his head.

The learned counsel for the petitioner has submitted that the allegation of inflicting *farsa* blow is not on the petitioner, rather it is against the father of the petitioner who has been granted bail. By drawing my attention towards supplementary affidavit, the learned counsel for the petitioner has submitted that the dispute between the parties was settled and the entire articles and cash of Rs.1,66,786/- were returned to the informant's daughter and she put her thumb impression on that receipt. She also put her thumb impression on the compromise petition dissolving nuptial knot between the parties. He has submitted further that presently the daughter of the informant is not the wife of the petitioner, as already Talak has taken place which has been thumb impressioned by both, husband and wife.

On the other hand, the learned counsel for the informant has submitted that the thumb impression of the informant's daughter was obtained on blank paper by coercion.



On query by this Court whether the matter was complained in respect of obtaining the thumb impression by inflicting coercion, the learned counsel for the informant has expressed his unawareness about this fact. It appears that both the parties have agreed to dissolve the nuptial knot and the daughter of the informant has received Rs.1,66,786/- and 25 tollas silver.

Considering the above-mentioned facts and circumstances, the petitioner above named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhubani in connection with Jainagar P.S. Case No. 427 of 2018, subject to condition as laid down under section 438(2) Cr. P.C.

(Nawneet Kumar Pandey, J)

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